

7-26-2011

State v. Bartlett Clerk's Record Dckt. 38589

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IN THE SUPREME COURT OF THE STATE OF IDAHO

STATE OF IDAHO,

Plaintiff-Respondent,

vs.

BENNETT JACOB BARTLETT,

Defendant-Appellant.

Supreme Court Case No. 38589

CLERK'S RECORD ON APPEAL

Appeal from the District Court of the Fourth Judicial District, in and for the County of Ada.

HONORABLE CHERI C. COPSEY

STATE APPELLATE PUBLIC DEFENDER

ATTORNEY FOR APPELLANT

BOISE, IDAHO

LAWRENCE G. WASDEN

ATTORNEY FOR RESPONDENT

BOISE, IDAHO

State of Idaho vs. Bennett Jacob Bartlett

Date	Code	User		Judge
3/10/2010	NCRF	PRNYEJED	New Case Filed - Felony	Magistrate Court Clerk
	PROS	PRNYEJED	Prosecutor assigned Ada County Prosecutor	Magistrate Court Clerk
	HRSC	TCMCCOSL	Hearing Scheduled (Video Arraignment 03/10/2010 01:30 PM)	Kevin Swain
	ARRN	TCEMERYV	Hearing result for Video Arraignment held on 03/10/2010 01:30 PM: Arraignment / First Appearance	Kevin Swain
	CHGA	TCEMERYV	Judge Change: Adminisitrative	John Hawley Jr.
	ORPD	TCEMERYV	Order Appointing Public Defender Ada County Public Defender	John Hawley Jr.
	HRSC	TCEMERYV	Hearing Scheduled (Preliminary 03/23/2010 08:30 AM)	John Hawley Jr.
	BSET	TCEMERYV	BOND SET: at 200000.00 - (118-4503 Kidnapping-Second Degree Not for Ransom)	John Hawley Jr.
	NCON	TCEMERYV	No Contact Order: No contact order OR Civil Protection Order DR# 10-005814 No Exceptions Expiration Days: 730 Expiration Date: 3/9/2012	Kevin Swain
	ORPD	MADEFRJM	Order Appointing Public Defender	John Hawley Jr.
	ORPD	MADEFRJM	Order Appointing Public Defender	John Hawley Jr.
3/11/2010	NOPE	TCPENAEL	Notification of Penalties for Escape	John Hawley Jr.
3/15/2010	MFBR	TCBULCEM	Motion For Bond Reduction	John Hawley Jr.
	RQDD	TCBULCEM	Defendant's Request for Discovery	John Hawley Jr.
	NOHG	TCBULCEM	Notice Of Hearing	John Hawley Jr.
3/23/2010	BOUN	TCFINNDE	Hearing result for Preliminary held on 03/23/2010 08:30 AM: Bound Over (after Prelim)	John Hawley Jr.
	HRSC	TCFINNDE	Hearing Scheduled (Arraignment 03/31/2010 01:30 PM)	Cheri C. Copsey
	MISC	TCFINNDE	Commitment	Cheri C. Copsey
3/24/2010	ORMR	CCMANLHR	Order For Delivery of Medical Records	Theresa Gardunia
3/25/2010	INFO	TCBULCEM	Information	Cheri C. Copsey
3/26/2010	PROS	PRBRIGCA	Prosecutor assigned Gabriel Haws	Cheri C. Copsey
3/31/2010	DCAR	TCWEATJB	Hearing result for Arraignment held on 03/31/2010 01:30 PM: District Court Arraignment- Court Reporter: Rebecca Martin Number of Pages: Under 100 Pages	Cheri C. Copsey
	HRSC	TCWEATJB	Hearing Scheduled (Entry of Plea 04/07/2010 01:30 PM)	Cheri C. Copsey
4/7/2010	DCHH	TCWEATJB	Hearing result for Entry of Plea held on 04/07/2010 01:30 PM: District Court Hearing Held Court Reporter: Rebecca Martin Number of Transcript Pages for this hearing estimated: Under 100 Pages	Cheri C. Copsey

State of Idaho vs. Bennett Jacob Bartlett

Date	Code	User	Judge
4/7/2010	PLEA	TCWEATJB	A Plea is entered for charge: - NG (118-4503 Kidnapping-Second Degree Not for Ransom)
	PLEA	TCWEATJB	A Plea is entered for charge: - NG (125-3504 Animals-Commit Cruelty to Animals)
	HRSC	TCWEATJB	Hearing Scheduled (Jury Trial 07/06/2010 09:00 AM) 3d
	HRSC	TCWEATJB	Hearing Scheduled (Pretrial Conference 06/30/2010 02:30 PM)
	HRSC	TCWEATJB	Hearing Scheduled (Status 06/09/2010 03:30 PM)
5/4/2010	MOTN	TCRAMISA	Motion for DQ Without Cause
5/6/2010	ORDR	TCWEATJB	Order Granting Disqualification Without Cause (Goff)
5/7/2010	RSDS	TCRAMISA	State/City Response to Discovery
	RQDS	TCRAMISA	State/City Request for Discovery
	MOTN	TCRAMISA	Motion for PH Transcript
5/11/2010	ORDR	CCCHILER	Order for Preliminary Hearing Transcript
5/17/2010	NOTC	TCRAMISA	Notice of Prep of Transcript
5/28/2010	RSDS	TCRAMISA	State/City Response to Discovery/Addendum
	MISC	TCRAMISA	PH Transcript Filed
6/8/2010	NOTC	TCPETEJS	Notice of Intent to Use IRE 404(b) and ICR 16
	NOHG	TCPETEJS	Notice Of Hearing
	HRSC	TCPETEJS	Hearing Scheduled (Hearing Scheduled 06/30/2010 02:30 PM)
6/9/2010	DCHH	TCWEATJB	Hearing result for Status held on 06/09/2010 03:30 PM: District Court Hearing Held Court Reporter: Kim Madsen Number of Transcript Pages for this hearing estimated: Under 100 Pages
	INTP	TCWEATJB	Order For Anger Management Program Participation; Order to Pay from the Interlock Device Fund
	INTP	TCWEATJB	Order For Substance Abuse Program Participation; Order to Pay from the Interlock Device Fund
6/11/2010	MDIS	TCRAMISA	Motion To Dismiss Information
	RSDS	TCPETEJS	State/City Response to Discovery/Second Addendum
6/30/2010	DCHH	TCWEATJB	Hearing result for Pretrial Conference held on 06/30/2010 02:00 PM: District Court Hearing Held Court Reporter: Kim Madsen Number of Transcript Pages for this hearing estimated: Under 100 Pages

State of Idaho vs. Bennett Jacob Bartlett

Date	Code	User	Judge
6/30/2010	REDU	TCWEATJB	Charge Reduced Or Amended (I18-905(B) Assault-Aggravated (By Means or Force to Produce Great Bodily Harm))
	PLEA	TCWEATJB	A Plea is entered for charge: - GT (I18-905(B) Assault-Aggravated (By Means or Force to Produce Great Bodily Harm))
	HRVC	TCWEATJB	Hearing result for Jury Trial held on 07/06/2010 09:00 AM: Hearing Vacated
	PSIO1	TCWEATJB	Pre-Sentence Investigation Evaluation Ordered
	HRSC	TCWEATJB	Hearing Scheduled (Sentencing 08/04/2010 09:00 AM)
	AINF	TCWEATJB	Amended Information
	GPA	TCWEATJB	Guilty Plea Advisory
	PLAG	TCWEATJB	Idaho Criminal Rule 11 Plea Agreement
8/4/2010	DCHH	DCJOHNSI	Hearing result for Sentencing held on 08/04/2010 09:00 AM: District Court Hearing Held Court Reporter: madsen Number of Transcript Pages for this hearing estimated:50
	HRSC	DCJOHNSI	Hearing Scheduled (Jury Trial 09/27/2010 09:00 AM)
	HRSC	DCJOHNSI	Hearing Scheduled (Pretrial (in custody) 09/15/2010 02:30 PM)
	HRSC	DCJOHNSI	Hearing Scheduled (Status 09/08/2010 03:30 PM)
	PLEA	DCJOHNSI	A Plea is entered for charge: - NG (I18-905(B) Assault-Aggravated (By Means or Force to Produce Great Bodily Harm))
	ORDR	DCJOHNSI	Order Governing Trial and Proceedings and Notice of Trial Setting
9/7/2010	HRVC	TCWEATJB	Hearing result for Status held on 09/08/2010 03:30 PM: Hearing Vacated
	HRSC	TCWEATJB	Hearing Scheduled (Status 09/08/2010 11:00 AM)
9/8/2010	DCHH	TCWEATJB	Hearing result for Status held on 09/08/2010 11:00 AM: District Court Hearing Held Court Reporter: Kim Madsen Number of Transcript Pages for this hearing estimated: Under 100 Pages
9/15/2010	DCHH	TCWEATJB	Hearing result for Pretrial (in custody) held on 09/15/2010 02:30 PM: District Court Hearing Held Court Reporter: Kim Madsen Number of Transcript Pages for this hearing estimated: Under 100 Pages
9/24/2010	MOTN	DCTYLENI	Motion to Withdraw Amended Information
	MISC	DCTYLENI	State's List of Potential Trial Witnesses
	ORDR	DCTYLENI	Order to Withdraw Amended Information

State of Idaho vs. Bennett Jacob Bartlett

Date	Code	User	Judge
9/27/2010	DCHH	TCWEATJB	Hearing result for Sentencing held on 09/27/2010 09:00 AM: District Court Hearing Held Court Reporter: Kasey Redlich Number of Transcript Pages for this hearing estimated: Under 100 Pages
	PLEA	TCWEATJB	A Plea is entered for charge: - GT (I18-905(B) Assault-Aggravated (By Means or Force to Produce Great Bodily Harm))
	JAIL	TCWEATJB	Sentenced to Jail or Detention (I18-905(B) Assault-Aggravated (By Means or Force to Produce Great Bodily Harm)) Confinement terms: Credited time: 203 days. Penitentiary determinate: 2 years. Penitentiary indeterminate: 3 years.
	DSBC	TCWEATJB	Dismissed by the Court (I25-3504 Animals-Commit Cruelty to Animals)
	STAT	TCWEATJB	STATUS CHANGED: closed pending clerk action
	AMJD	TCWEATJB	Amended Judgment Sentence modified on 1/19/2011. (I18-905(B) Assault-Aggravated (By Means or Force to Produce Great Bodily Harm))
9/28/2010	JCOR	DCDANSEL	Judgment of Conviction and Order Retaining Jurisdiction
10/14/2010	STAT	CCTOMPM	STATUS CHANGED (batch process)
12/30/2010	HRSC	TCWEATJB	Hearing Scheduled (Rider Review 01/19/2011 09:00 AM)
	STAT	TCWEATJB	STATUS CHANGED: Pending
		TCWEATJB	Order to Transport
1/19/2011	DCHH	TCWEATJB	Hearing result for Rider Review held on 01/19/2011 09:00 AM: District Court Hearing Held Court Reporter: Kim Madsen Number of Transcript Pages for this hearing estimated: Under 100 Pages
	NCON	TCWEATJB	No Contact Order: Expiration Days: 1826 Expiration Date: 1/19/2016
	SNPF	TCWEATJB	Sentenced To Pay Fine 1375.50 charge: I18-905(B) Assault-Aggravated (By Means or Force to Produce Great Bodily Harm)
	STAT	TCWEATJB	STATUS CHANGED: closed pending clerk action
1/20/2011	ORDR	DCDANSEL	Order Re-Imposing Sentence and Relinquishing Jurisdiction
	ORDR	DCDANSEL	Order for Restitution and Judgment
	RESR	PRSIVERA	Restitution Recommended by the Prosecutor's office. 400.00 victim # 1
3/4/2011	APSC	TCFARANM	Appealed To The Supreme Court
3/16/2011	MOTN	TCBROXLV	Motion and Affidavit for Permission to Proceed on Partial Payment of Court Fees (Prisoner)

000005

Date: 5/19/2011

Fourth Judicial District Court - Ada County

User: CCLUNDMJ

Time: 08:15 AM

ROA Report

Page 5 of 5

Case: CR-FE-2010-0003995 Current Judge: Cheri C. Copsey

Defendant: Bartlett, Bennett Jacob

State of Idaho vs. Bennett Jacob Bartlett

Date	Code	User	Judge
3/16/2011	MOTN	TCBROXLV	Motion and Affidavit in Support for Appointment of Counsel Cheri C. Copsey
3/18/2011	ORDR	TCWEATJB	Order Granting Motion For Appointment Of Counsel Cheri C. Copsey
5/19/2011	NOTC	CCLUNDMJ	(2) Notice of Transcripts Lodged - Supreme Ct. Docket #38589 Cheri C. Copsey

000006

MAR 10 2010

J. DAVID NAVARRO, Clerk
By S. McCormack
DEPUTY

DR # 10-005814

GREG H. BOWER
Ada County Prosecuting Attorney

James E Vogt
Deputy Prosecuting Attorney
200 W. Front Street, Room 3191
Boise, Idaho 83702
Telephone: (208) 287-7700

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,)	
)	
Plaintiff,	)	Case No. CR-FE-2010-0003995
vs.)	
	)	COMPLAINT
BENNETT JACOB BARTLETT,)	
	)	Bartlett's DOB: [REDACTED]
Defendant.	)	Bartlett's SSN: [REDACTED]
_____)	

PERSONALLY APPEARED Before me this 10 day of March 2010, James E Vogt, Deputy Prosecuting Attorney, in and for the County of Ada, State of Idaho, who, being first duly sworn, complains and says: that BENNETT JACOB BARTLETT, on or about the 9th day of March, 2010, in the County of Ada, State of Idaho, did commit the crimes of: I. KIDNAPPING IN THE SECOND DEGREE, FELONY, I.C. §18-4501¹⁸⁻⁴⁵⁰³ and II. COMMIT CRUELTY TO ANIMALS, MISDEMEANOR, I.C. §25-3504 as follows:

*Amended
3.23.10
JH*

COUNT I


That the Defendant, BENNETT JACOB BARTLETT, on or about the 9th day of March, 2010, in the County of Ada, State of Idaho, did willfully and without lawful authority confine Sharyl Lee Wilson with the intent to cause her to be detained against her will within Idaho.

COUNT II

That the Defendant, BENNETT JACOB BARTLETT, on or about the 9th day of March, 2010, in the County of Ada, State of Idaho, did intentionally and maliciously inflict pain, physical suffering, and/or injury upon an animal, to-wit: a Shitzu dog by squeezing the dog's neck and striking it in the head with a closed fist.

All of which is contrary to the form, force and effect of the statute in such case and against the peace and dignity of the State of Idaho.

GREG H. BOWER
Ada County Prosecutor

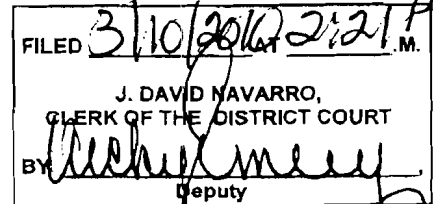


James E Vogt
Deputy Prosecuting Attorney

SUBSCRIBED AND Sworn to before me this 10th day of March 2010.



Magistrate



IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,

Plaintiff,

vs.

Bennett J. Bartlett

DOB [REDACTED]

SSN [REDACTED]

Defendant.

Case No. CRFE-10-3995

Reference No. _____

NO CONTACT ORDERDR # 10-005814
☒ Ada
 ☐ Boise
 ☐ GC
 ☐ Meridian

The above-entitled matter having come before the Court, and good cause appearing therefor,

IT IS HEREBY ORDERED that the above-named defendant shall not contact (including: in person or through another person, or in writing or e-mail, or by telephone, pager, or facsimile) or attempt to contact, harass, follow, communicate with, or knowingly remain within 100 feet of: Sharyk Lee Wilson

Exceptions are:

- ☒ no exceptions
☐ to contact by telephone between _____ m. and _____ m. on _____
 _____ for the following purposes: _____
☐ to participate in counselling/mediation
☐ to meet with or through attorneys and/or during legal proceedings
☐ to respond to emergencies involving the natural or adopted children of both parties
☐ other: _____

IT IS FURTHER ORDERED that the defendant named herein shall not go within 300 yards of the above-named person's residence or workplace as set forth below (provide this information only if requested by prosecution):

5082 W. Mercurio F-103
 Residence Address
Boise, ID

 Work Address

A VIOLATION OF THIS ORDER IS A SEPARATE CRIME under Idaho Code § 18-920, for which no bail will be set until an appearance before a judge. A first and second conviction for the crime of violation of a no contact order is a misdemeanor and is punishable by a fine not exceeding one thousand dollars (\$1,000) or by imprisonment in the county jail not to exceed one (1) year, or both. A third conviction for violation of a no contact order within five (5) years is a felony and is punishable by a fine not exceeding five thousand dollars (\$5,000) or by imprisonment in the state prison not to exceed five (5) years, or both. Further, any such violation of this order may result in the increase, revocation, or modification of the bond set in the underlying charge for which this no contact order was imposed.

If there is more than one domestic violence protection order in place, the most restrictive provision will control any conflicting terms of any other civil or criminal protection order.

This order may subject you to Federal prosecution under 18 U.S. Code § 922 if you possess, receive, or transport a firearm.

THIS ORDER CAN BE MODIFIED ONLY BY A JUDGE AND WILL EXPIRE:

☒ at 11:59 p.m. on 3-10-12

OR

☒ upon dismissal of this case.

Defendant

Judge

Date

Served by: [Signature]

Dated served: _____

NO CONTACT ORDER

White-FILE Green-ACSO Pink-DEFENDANT Yellow-PROSECUTOR

000009 [REV 3-2009]

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT

STATE OF IDAHO, ADA COUNTY, MAGISTRATE DIVISION

PROBABLE CAUSE FORM

STATE OF IDAHO

vs.

Bennett Jacob Bartlett

PROSECUTOR

J. Vogt

COMPLAINING WITNESS

CASE NO.

TE 70-3995

CLERK

H. MANLEY

DATE

3/10/2010

TIME

1046

TOXIMETER

CASE ID.

Oths 031010

BEG.

104659

END

164832

JUDGE

☐ BEREZ

☐ BIETER

☐ CAWTHON

☐ COMSTOCK

☐ DAY

☐ GARDUNIA

☐ HARRIGFELD

☐ HAWLEY

☐ HICKS

☐

☐

☐ MacGREGOR-IRBY

☐ MANWEILER

☐ McDANIEL

☐ MINDER

☒ OTHS

☐ REARDON

☐ STECKEL

☐ SWAIN

☐ WATKINS

STATUS

☒ STATE SWORN

☒ PC FOUND

☒ COMPLAINT SIGNED

☐ AMENDED COMPLAINT SIGNED

☐ AFFIDAVIT SIGNED

☐ NO PC FOUND

☐ EXONERATE BOND

☐ SUMMONS TO BE ISSUED

☐ WARRANT ISSUED

☐ BOND SET \$

☐ NO CONTACT

D.R. #

☐ DISMISS CASE

☒ IN CUSTODY

COMMENTS

() AGENT'S WARRANT

() RULE 5(b)

() FUGITIVE

ADA COUNTY MAGISTRATE MINUTES

Bennett Jacob Bartlett CR-FE-2010-0003995

DOB: [REDACTED]

Scheduled Event: Video Arraignment Wednesday, March 10, 2010 01:30 PM

Judge: Kevin Swain

Clerk: [Signature] Interpreter: [Signature]

Prosecuting Agency: ☒ AC ☐ BC ☐ GC ☐ MC

Pros: [Signature]

PD / Attorney: [Signature]

• 1 I18-4503 Kidnapping-Second Degree Not for Ransom F

• 2 I25-3504 Animals-Commit Cruelty to Animals M

141601

Case Called Defendant: ☒ Present ☐ Not Present ☒ In Custody

☐ Advised of Rights ☐ Waived Rights ☒ PD Appointed ☐ Waived Attorney

☐ Guilty Plea / PV Admit ☐ N/G Plea ☐ Advise Subsequent Penalty

☒ Bond \$200,000 ☐ ROR ☐ Pay / Stay ☐ Payment Agreement

☐ In Chambers ☐ PT Memo ☐ Written Guilty Plea ☐ No Contact Order

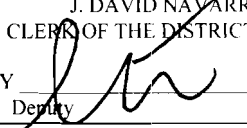
Adverses def Charge
Court - PD

PIH- 3/23/2010 @ 8:30

NCO Sharyl Wilson - DR#10-005814

Finish () Release Defendant

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
STATE OF IDAHO, ADA COUNTY

FILED	3/11/10	AT	10XP
J. DAVID NAVARRO, CLERK OF THE DISTRICT COURT			
BY			
Deputy			

STATE OF IDAHO,

Plaintiff,

vs.

Bennett Bartlett
Defendant

SSN: XXX-XX-

CASE NO. FE-10-3998

NOTIFICATION OF CONSEQUENCES AND
PENALTIES FOR ESCAPE PURSUANT TO
I.C. §§ 18-2505, 2506

TO: THE ABOVE-NAMED DEFENDANT, YOU ARE HEREBY NOTIFIED AS FOLLOWS:

I.C. § 18-2505 (1) Every prisoner charged with, convicted of, or on probation for a **felony** who is confined in any correctional facility, as defined in section 18-101A, Idaho Code, including any private correctional facility, or who while outside the walls of such correctional facility in the proper custody of any officer or person, or while in any factory, farm or other place without the walls of such correctional facility, who escapes or attempts to escape from such officer or person, or from such correctional facility, or from such factory, farm or other place without the walls of such correctional facility, shall be guilty of a **felony**, and upon conviction thereof, any such second term of imprisonment shall commence at the time he would otherwise have been discharged. **A felony is punishable by fine not exceeding fifty thousand dollars (\$50,000.00) or imprisonment in the state prison not to exceed five (5) years or both.**

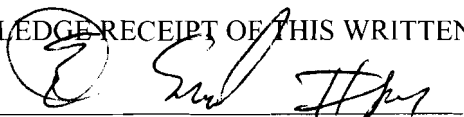
I.C. § 18-2506 (1)(a) Every prisoner charged with or convicted of a **misdemeanor** who is confined in any county jail or other place or who is engaged in any county work outside of such jail or other place, or who is in the lawful custody of any officer or person, who escapes or attempts to escape therefrom, is guilty of a **misdemeanor**. **A misdemeanor is punishable by fine not exceeding \$1000.00 or by imprisonment in the county jail not to exceed one (1) year or both.**

(b) In cases involving escape or attempted escape by use of threat, intimidation, force, violence, injury to person or property other than that of the prisoner, or wherein the escape or attempted escape was perpetrated by use or possession of any weapon, tool, instrument or other substance, the prisoner shall be guilty of a **felony**.

Escape shall be deemed to include abandonment of a job site or work assignment without the permission of an employment supervisor or officer. Escape includes the intentional act of leaving the area of restriction set forth in a court order admitting a person to bail or release on a person's own recognizance with electronic or global positioning system tracking, monitoring and detention or the area of restriction set forth in a sentencing order, except for leaving the area of restriction for the purpose of obtaining emergency medical care.

I ACKNOWLEDGE RECEIPT OF THIS WRITTEN NOTICE.

Defendant:



Dated:

3-10-10

000012

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA
MAGISTRATE DIVISION

NO. _____
A.M. _____
FILED _____
P.M. _____

MAR 11 2010

STATE OF IDAHO,
Plaintiff.

vs.

Bennett Jacob Bartlett
Homeless
Fairfield, WA

Defendant.

J. DAVID NAVARRO, Clerk
By ERIN PENA
DEPUTY

Case No: CR-FE-2010-0003995

**NOTICE OF APPOINTMENT OF PUBLIC DEFENDER
AND SETTING CASE FOR HEARING**

☒ Ada ☐ Boise ☐ Garden City ☐ Meridian

TO: Ada County Public Defender

YOU ARE HEREBY NOTIFIED that you are appointed to represent the defendant in this cause, or in the District Court until relieved by court order. The case is continued for:

Preliminary Judge: Tuesday, March 23, 2010 08:30 AM
John Hawley Jr.

BOND AMOUNT: _____ The Defendant is: ☐ In Custody ☐ Released on Bail ☐ ROR

TO: The above named defendant

IT HAS BEEN ORDERED BY THIS COURT that the defendant is to contact the Ada County Public Defender's Office at 200 W. Front Street, Room 1107, Boise, Idaho 83702. Telephone: (208) 287-7400. If the defendant is unable to post bond and obtain his/her release from jail, that the proper authorities allow the defendant to make a phone call to the Ada County Public Defender.

IT HAS BEEN FURTHER ORDERED: That the parties, prior to the pre-trial conference, complete and comply with Rule 16 I.C.R. and **THAT THE DEFENDANT BE PERSONALLY PRESENT AT BOTH THE PRE-TRIAL CONFERENCE AND / OR THE JURY TRIAL: FAILURE TO APPEAR AT EITHER THE PRE-TRIAL CONFERENCE OR THE JURY TRIAL WILL RESULT IN A BENCH WARRANT FOR THE DEFENDANT'S ARREST.**

Dated : 3/10/2010

Deputy Clerk

I hereby certify that copies of this Notice were served as follows on this date Wednesday, March 10, 2010.

Defendant: Mailed _____ Hand Delivered ☒ Signature _____
Clerk / date _____ Phone () _____

Prosecutor: Interdepartmental Mail ☒

Public Defender: Interdepartmental Mail ☒

Deputy Clerk

ADA COUNTY PUBLIC DEFENDER
Attorneys for Defendant
200 West Front Street, Suite 1107
Boise, Idaho 83702
Telephone: (208) 287-7400
Facsimile: (208) 287-7409

NO. _____ FILED _____
A.M. _____ P.M. _____ 3
MAR 15 2010
J. DAVID NAVARRO, Clerk
By SCARLETT RAMIREZ
DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,
Plaintiff

vs.

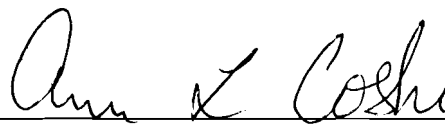
BENNETT JACOB BARTLETT,
Defendant.

Case No. CR-FE-2010-0003995

MOTION FOR BOND REDUCTION

COMES NOW, BENNETT JACOB BARTLETT, the above-named defendant, by and through counsel ANN L COSHO, Ada County Public Defender's office, and moves this Court for its ORDER reducing bond in the above-entitled matter upon the grounds that the bond is so unreasonably high that the defendant, who is an indigent person without funds, cannot post such a bond, and for the reason that the defendant has thereby been effectively denied their right to bail.

DATED, Friday, March 12, 2010.


ANN L COSHO
Attorney for Defendant

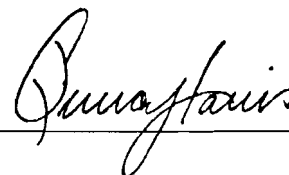
CERTIFICATE OF MAILING

I HEREBY CERTIFY, that on Friday, March 12, 2010, I mailed a true and correct copy of the within instrument to:

TANNER J STELLMON
Counsel for the State of Idaho

by placing said same in the Interdepartmental Mail.

MOTION FOR BOND REDUCTION



000014

ADA COUNTY PUBLIC DEFENDER
Attorneys for Defendant
200 West Front Street, Suite 1107
Boise, Idaho 83702
Telephone: (208) 287-7400
Facsimile: (208) 287-7409

NO. _____
A.M. _____ FILED P.M. 3
MAR 15 2010
J. DAVID NAVARRO, Clerk
By SCARLETT RAMIREZ
DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,

Plaintiff

vs.

BENNETT JACOB BARTLETT,

Defendant.

Case No. CR-FE-2010-0003995

REQUEST FOR DISCOVERY

TO: THE STATE OF IDAHO, Plaintiff, and to ADA COUNTY PROSECUTOR:

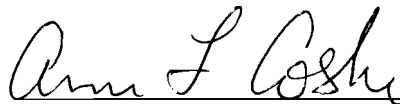
PLEASE TAKE NOTICE, that the undersigned, pursuant to ICR 16, requests discovery and photocopies of the following information, evidence, and materials:

- 1) All **unredacted** material or information within the prosecutor's possession or control, or which thereafter comes into his possession or control, which tends to negate the guilt of the accused or tends to reduce the punishment thereof. ICR 16(a).
- 2) Any **unredacted**, relevant written or recorded statements made by the defendant, or copies thereof, within the possession, custody or control of the state, the existence of which is known or is available to the prosecuting attorney by the exercise of due diligence; and also the substance of any relevant, oral statement made by the defendant whether before or after arrest to a peace officer, prosecuting attorney or the prosecuting attorney's agent; and the recorded testimony of the defendant before a grand jury which relates to the offense charged.
- 3) Any **unredacted**, written or recorded statements of a co-defendant; and the substance of any relevant oral statement made by a co-defendant whether before or after arrest in response to interrogation by any person known by the co-defendant to be a peace officer or agent of the prosecuting attorney.
- 4) Any prior criminal record of the defendant and co-defendant, if any.
- 5) All **unredacted** documents and tangible objects as defined by ICR 16(b)(4) in the possession or control of the prosecutor, which are material to the defense, intended for use by the prosecutor or obtained from or belonging to the defendant or co-defendant.

- 6) All reports of physical or mental examinations and of scientific tests or experiments within the possession, control, or knowledge of the prosecutor, the existence of which is known or is available to the prosecutor by the exercise of due diligence.
- 7) A written list of the names, addresses, records of prior felony convictions, and written or recorded statements of all persons having knowledge of facts of the case known to the prosecutor and his agents or any official involved in the investigatory process of the case.
- 8) A written summary or report of any testimony that the state intends to introduce pursuant to rules 702, 703, or 705 of the Idaho Rules of Evidence at trial or hearing; including the witness' opinions, the facts and data for those opinions, and the witness' qualifications.
- 9) All reports or memoranda made by police officers or investigators in connection with the investigation or prosecution of the case, including what are commonly referred to as "ticket notes."
- 10) Any writing or object that may be used to refresh the memory of all persons who may be called as witnesses, pursuant to IRE 612.
- 11) Any and all audio and/or video recordings made by law enforcement officials during the course of their investigation.
- 12) Any evidence, documents, or witnesses that the state discovers or could discover with due diligence after complying with this request.

The undersigned further requests written compliance within 14 days of service of the within instrument.

DATED, Friday, March 12, 2010.



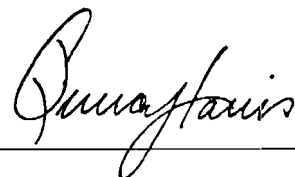
ANN L COSHO
Attorney for Defendant

CERTIFICATE OF MAILING

I HEREBY CERTIFY, that on Friday, March 12, 2010, I mailed a true and correct copy of the within instrument to:

ADA COUNTY PROSECUTOR
Counsel for the State of Idaho

by placing said same in the Interdepartmental Mail.



ADA COUNTY PUBLIC DEFENDER
Attorneys for Defendant
200 West Front Street, Suite 1107
Boise, Idaho 83702
Telephone: (208) 287-7400
Facsimile: (208) 287-7409

NO. _____
A.M. _____ P.M. _____

MAR 15 2010

J. DAVID NAVARRO, Clerk
By SCARLETT RAMIREZ
DEPUTY

**IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA**

STATE OF IDAHO,
Plaintiff

vs.

BENNETT JACOB BARTLETT,
Defendant.

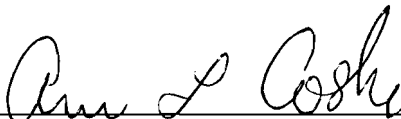
Case No. CR-FE-2010-0003995

NOTICE OF HEARING

TO: THE STATE OF IDAHO, Plaintiff, and to TANNER J STELLMON:

YOU, AND EACH OF YOU, are hereby notified that the defendant will call for a hearing on MOTION FOR BOND REDUCTION, now on file in the above-entitled matter, on Tuesday, March 23, 2010, at the hour of 08:30 AM, in the courtroom of the above-entitled court, or as soon thereafter as counsel may be heard.

DATED, Friday, March 12, 2010.



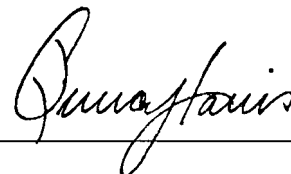
ANN L COSHO
Attorney for Defendant

CERTIFICATE OF MAILING

I HEREBY CERTIFY, that on Friday, March 12, 2010, I mailed a true and correct copy of the within instrument to:

TANNER J STELLMON
Counsel for the State of Idaho

by placing said same in the Interdepartmental Mail.



NOTICE OF HEARING

000017

3:15

GREG H. BOWER
Ada County Prosecuting Attorney

Tanner J. Stellmon
Deputy Prosecuting Attorney
200 W. Front Street, Room 3191
Boise, Idaho 83702
Phone: 287-7700
Fax: 287-7709

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,)	
)	
Plaintiff,	)	Case No. CR-FE-2010-0003995
)	
vs.	)	COMMITMENT
	)	Defendant's DOB: [REDACTED]
BENNET JACOB BARTLETT,	)	Defendant's SSN: [REDACTED]
Defendant.)	
_____)	

THE ABOVE NAMED DEFENDANT, BENNET JACOB BARTLETT, having been brought before this Court for a Preliminary Examination on the 23 day of MARCH, 2010, on a charge that the Defendant on or about the 9th day of March, 2010, in the County of Ada, State of Idaho, did commit the crimes of: I. KIDNAPPING IN THE SECOND DEGREE, FELONY, I.C. §18-4501^{§18-4503} and II. COMMIT CRUELTY TO ANIMALS, MISDEMEANOR, I.C. §25-3504 as follows:

COUNT I

That the Defendant, BENNETT JACOB BARTLETT, on or about the 9th day of March, 2010, in the County of Ada, State of Idaho, did willfully and without lawful authority confine Sharyl Lee Wilson with the intent to cause her to be detained against her will within Idaho.

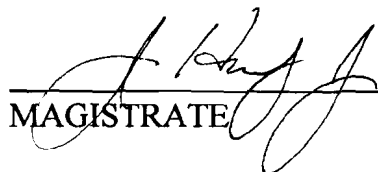
COUNT II

That the Defendant, BENNETT JACOB BARTLETT, on or about the 9th day of March, 2010, in the County of Ada, State of Idaho, did intentionally and maliciously inflict pain, physical suffering, and/or injury upon an animal, to-wit: a Shitzu dog by squeezing the dog's neck and striking it in the head with a closed fist.

The Defendant having so appeared and having had/having waived preliminary examination, the Court sitting as a Committing Magistrate finds that the offense charged as set forth has been committed in Ada County, Idaho, and that there is sufficient cause to believe that the Defendant is guilty of committing the offense as charged.

WHEREFORE, IT IS ORDERED that the Defendant be held to answer to the District Court of the Fourth Judicial District of the State of Idaho, in and for the County of Ada, to the charge herein set forth. Bail is set in the sum of \$ _____.

DATED this 23 day of MARCH, 2010.



MAGISTRATE

FILED 3/23/10 AT 3:14p.M.
J. DAVID NAVARRO,
CLERK OF THE DISTRICT COURT
BY [Signature] DF
Deputy

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,

Plaintiff,

vs. Bennett J. Bartlett

Defendant.

CASE NO. FE10-3995

NOTICE OF:

☒ Ada ☐ Boise ☐ GC ☐ Meridian

☐ FURTHER PROCEEDINGS

☐ TRIAL SET COURT/JURY

☐ PRELIMINARY HEARING RESET

☒ DISTRICT COURT ARRAIGNMENT

BEFORE JUDGE _____

BEFORE JUDGE _____

BEFORE JUDGE _____

BEFORE JUDGE Copsey

NOTICE IS HEREBY GIVEN to the above-named Defendant that proceedings in this case have been continued until 1:30 o'clock a.m./p.m. on March 31, 2010, in the courtroom at the

ADA COUNTY COURTHOUSE, 200 W. FRONT STREET, BOISE, ID 83702

You must appear as scheduled above. Failure to do so will result in a warrant being issued for your arrest.

J. DAVID NAVARRO, Clerk

DATED 3/23/10

By: [Signature] DF
Deputy Clerk

I hereby certify that copies of this Notice were served as follows:

Defendant:
Hand Delivered ☒ Mailed ☐
Clerk [Signature] Date _____

Defense Attorney:
Hand Delivered ☐ Mailed ☐
Clerk _____ Date _____

Prosecutor ☒ - Interdepartmental Mail
Public Defender ☐ - Interdepartmental Mail

Signature [Signature]
Address _____

Clerk _____ Date _____
Clerk _____ Date _____

000020

ADA COUNTY MAGISTRATE MINUTES

Bennett Jacob Bartlett CR-FE-2010-0003995

DOB: [REDACTED]

Scheduled Event: Preliminary Tuesday, March 23, 2010 08:30 AM

Judge: John Hawley Jr. Clerk: H. MANLEY DF Interpreter: _____

Prosecuting Agency: X (AC) BC GC MC Pros: T. Stellman
PD Attorney: A. Cosho

- 1 I18-4503 Kidnapping-Second Degree Not for Ransom F
- 2 I25-3504 Animals-Commit Cruelty to Animals M

090559 Case Called Defendant: X Present ___ Not Present ___ In Custody
X Advised of Rights ___ Waived Rights ___ PD Appointed ___ Waived Attorney
___ Guilty Plea / PV Admit ___ N/G Plea ___ Advise Subsequent Penalty
___ Bond \$ 200,000 ___ ROR ___ Pay / Stay ___ Payment Agreement
___ In Chambers ___ PT Memo ___ Written Guilty Plea ___ No Contact Order

143255 Hearing Held

Δ Bound Over

Commitment Signed.

Arr: 3/31/10 @ 1:30
w/Copsey.

Finish () Release Defendant

Session: Hawley032310

Division: MC

Courtroom: CR204

Session Date: 2010/03/23

Session Time: 08:18

Judge: Hawley, John

Reporter:

Clerk(s):

Finnegan, Deirdre

McKenzie, Amy

State Attorneys:

Stellmon, Tanner

Vavrek, James

Public Defender(s):

Cosho, Anne

Toothman, Rick

Prob. Officer(s):

Court interpreter(s):

Case ID: 0004

Case Number: FE-2010-3995

Plaintiff:

Plaintiff Attorney:

Defendant: Bennett, Jacob

Co-Defendant(s):

Pers. Attorney:

State Attorney: Stellmon, Tanner

Public Defender: Cosho, Anne

2010/03/23

14:32:55 - Operator

Recording:

14:32:55 - New case

Bennett, Jacob

14:33:12 - State Attorney: Stellmon, Tanner

14:33:23 - Public Defender: Cosho, Anne

14:33:34 - State Attorney: Stellmon, Tanner

Amends code section on complaint.

14:34:04 - State Attorney: Stellmon, Tanner

Calls SW #1- C. Wilson- Sworn. Direct examination of witness

S.

14:35:20 - State Attorney: Stellmon, Tanner
14:35:41 - Other: Wilson
Identifies Defendant
14:40:53 - Public Defender: Cosho, Anne
objection-leading
14:40:56 - Judge: Hawley, John
sustained
14:41:58 - Public Defender: Cosho, Anne
Cross-examination of the witness.
14:42:54 - State Attorney: Stellmon, Tanner
objection-relevance
14:43:00 - Judge: Hawley, John
overruled
14:43:29 - State Attorney: Stellmon, Tanner
objection- relevance
14:44:14 - Judge: Hawley, John
sustained
14:44:54 - State Attorney: Stellmon, Tanner
objection-relevance
14:45:00 - Judge: Hawley, John
overruled
14:45:32 - State Attorney: Stellmon, Tanner
objection-relevance
14:46:17 - Judge: Hawley, John
rephrase question
14:46:38 - State Attorney: Stellmon, Tanner
objection
14:46:45 - Judge: Hawley, John
overruled
14:47:19 - Public Defender: Cosho, Anne
continues Cross-examination of the witness.
14:49:45 - State Attorney: Stellmon, Tanner
objection- relevance
14:49:52 - Judge: Hawley, John
overruled
15:06:12 - Other: Wilson
Nothing further, witness steps down.
15:06:36 - Public Defender: Cosho, Anne
Closing Argument
15:07:07 - State Attorney: Stellmon, Tanner
Argument
15:11:47 - Judge: Hawley, John
Defendant Bound over. Commitment signed.
15:12:05 - Operator
Stop recording:

MAR 24 2010

J. DAVID NAVARRO, Clerk
By H. Manley
DEPUTY

GREG H. BOWER
Ada County Prosecuting Attorney

Tanner J. Stellmon
Deputy Prosecuting Attorney
200 West Front Street, Room 3191
Boise, Idaho 83702
Phone: 287-7700
Fax: 287-7709

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,	)	Case No. CR-FE-2010-0003995
)	
Plaintiff,	)	ORDER FOR DELIVERY OF
vs.	)	MEDICAL RECORDS TO THE
	)	ADA COUNTY PROSECUTING
BENNETT JACOB BARTLETT,	)	ATTORNEY'S OFFICE
	)	PURSUANT TO THE HEALTH
Defendant,	)	INSURANCE PORTABILITY
	)	AND ACCOUNTABILITY ACT
_____	)	AND IDAHO CODE §19-3004;
	)	ICR 17

This Court, upon information from the Ada County Prosecuting Attorney's Office that certain medical records described herein are necessary for preparation and presentation of the Prosecution's case in the above-captioned matter, and the Court concluding that the medical records do appear to be relevant and necessary to the proper adjudication of this matter, hereby orders that employees or representatives of Saint Alphonsus produce all personal health information, including but not limited to medical records, documents, photographs documents

ORDER FOR DELIVERY OF MEDICAL RECORDS TO THE ADA COUNTY PROSECUTING ATTORNEY'S OFFICE PURSUANT TO THE HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT AND IDAHO CODE §19-3004; ICR 17,

Page 1

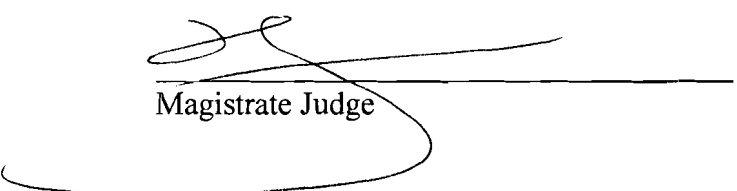
000024

and billing statements in their custody pertaining to BENNETT JACOB BARTLETT DOB: [REDACTED]; DOI: 3/9/10 to the Ada County Prosecuting Attorney's Office in response to a subpoena issued by the Prosecution in this case. The records may be generally provided in the manner set out in Idaho Code §9-420, except that the said records are to be made available for pickup by an agent of the Ada County Prosecuting Attorney's Office or law enforcement within three business days of the service of the subpoena, rather than be delivered to the Court.

This Order is also intended to require that personal health information, other than just the described written medical records, such as information known to employees or representatives of Saint Alphonsus also be provided to the prosecution or criminal defense by interview when asked for and that those employees or representatives of Saint Alphonsus testify if required.

Any questions regarding said records should be directed to the Ada County Prosecuting Attorney's Office, (208) 287-7700.

IT IS SO ORDERED this 24th day of March 2010.


Magistrate Judge

NO. _____
A.M. _____ FILED _____ P.M. _____

MAR 25 2010

J. DAVID NAVARRO, Clerk
By ERIN BULCHER
DEPUTY

GREG H. BOWER
Ada County Prosecuting Attorney
200 W. Front Street, Room 3191
Boise, Idaho 83702
Phone: 287-7700
Fax: 287-7709

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,)	
)	
Plaintiff,	)	Case No. CR-FE-2010-0003995
)	
vs.	)	I N F O R M A T I O N
)	
BENNET JACOB BARTLETT,	)	Defendant's DOB: [REDACTED]
	)	Defendant's SSN: [REDACTED]
Defendant.)	
_____)	

GREG H. BOWER, Prosecuting Attorney, in and for the County of Ada, State of Idaho, who in the name and by the authority of the State, prosecutes in its behalf, comes now into District Court of the County of Ada, and states that BENNET JACOB BARTLETT is accused by this Information of the crimes of: I. KIDNAPPING IN THE SECOND DEGREE, FELONY, I.C. §18-4501, §18-4503 and II. COMMIT CRUELTY TO ANIMALS, MISDEMEANOR, I.C. §25-3504 which crimes were committed as follows:

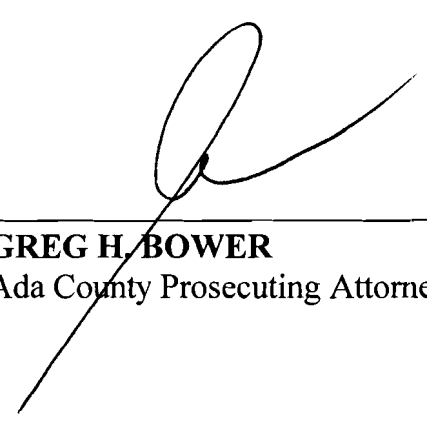
COUNT I

That the Defendant, BENNETT JACOB BARTLETT, on or about the 9th day of March, 2010, in the County of Ada, State of Idaho, did willfully and without lawful authority confine Sharyl Lee Wilson with the intent to cause her to be detained against her will within Idaho.

COUNT II

That the Defendant, BENNETT JACOB BARTLETT, on or about the 9th day of March, 2010, in the County of Ada, State of Idaho, did intentionally and maliciously inflict pain, physical suffering, and/or injury upon an animal, to-wit: a Shitzu dog by squeezing the dog's neck and striking it in the head with a closed fist.

All of which is contrary to the form, force and effect of the statute in such case and against the peace and dignity of the State of Idaho.



GREG H. BOWER
Ada County Prosecuting Attorney

Session: Copsey033110
Session Date: 2010/03/31
Judge: Copsey, Cheri C.
Reporter: Martin, Rebecca

Division: DC
Session Time: 08:18

Courtroom: CR503

Clerk(s):
Weatherby, John

State Attorneys:
Haws, Gabriel
Meehan, Julianne
Morrison, Monica

Public Defender(s):
Lojek, Michael
Loschi, Jonathon
O'Daniel, Erik
Smith, Larry

Prob. Officer(s):

Court interpreter(s):

Case ID: 0008

Case Number: CRFE-10-03995
Plaintiff:
Plaintiff Attorney:
Defendant: BARTLETT, BENNETT
Co-Defendant(s):
Pers. Attorney:
State Attorney: Haws, Gabriel
Public Defender: O'Daniel, Erik

2010/03/31

13:38:47 - Operator

Recording:

13:38:47 - New case

BARTLETT, BENNETT

13:38:57 - Judge: Copsey, Cheri C.

case called; dft present in custody with counsel

13:39:18 - Defendant: BARTLETT, BENNETT

understands English, rights, true name, waives

13:39:59 - Judge: Copsey, Cheri C.
advises charges and penalties
13:41:06 - State Attorney: Haws, Gabriel
cruelty to animals first offense
13:41:23 - Judge: Copsey, Cheri C.
advises punishment goes up if only violations found
13:41:42 - Defendant: BARTLETT, BENNETT
understands
13:41:57 - Public Defender: O'Daniel, Erik
req s/o one week
13:42:02 - Judge: Copsey, Cheri C.
asks counsel to interact re 18-211 problems
13:42:16 - Public Defender: O'Daniel, Erik
met with him prior to hearing
13:42:27 - Judge: Copsey, Cheri C.
EOP 4/7 at 1:30; advises NCO
13:43:18 - Operator
Stop recording:

Session: Copsey040710
Session Date: 2010/04/07
Judge: Copsey, Cheri C.
Reporter: Martin, Rebecca

Division: DC
Session Time: 08:21

Courtroom: CR508

Clerk(s):
Weatherby, John

State Attorneys:
Meehan, Julianne
Fisher, Jean
Haws, Gabriel

Public Defender(s):
Lojek, Michael
O'Daniel, Erik
Smith, Larry

Prob. Officer(s):

Court interpreter(s):

Case ID: 0010

Case Number: CRFE-10-03995
Plaintiff:
Plaintiff Attorney:
Defendant: BARTLETT, BENNETT
Co-Defendant(s):
Pers. Attorney:
State Attorney: Haws, Gabriel
Public Defender: O'Daniel, Erik

2010/04/07

13:41:33 - Operator
Recording:
13:41:33 - New case
BARTLETT, BENNETT
13:41:42 - Judge: Copsey, Cheri C.
case called; dft present in custody with counsel
13:42:36 - Public Defender: O'Daniel, Erik
NG
13:42:42 - Judge: Copsey, Cheri C.

3dJT: 7/6, PT: 6/30, status: 6/9

13:43:58 - State Attorney: Haws, Gabriel

13:44:43 - Operator

Stop recording:

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

FILED	4/7/10	AT	1:45 p.m.
J. DAVID NAYARRO CLERK OF THE DISTRICT COURT			
BY	[Signature] Deputy Clerk		

THE STATE OF IDAHO,

Plaintiff,

vs.

Bennett Bartlett

Defendant.

Case No. H CCFE-10-03995

**ORDER GOVERNING FURTHER
CRIMINAL PROCEEDINGS AND
NOTICE OF TRIAL SETTING**

IT IS HEREBY ORDERED as follows:

- (1) Compliance date for discovery is set on or before 5/13/10, 200 .
- (2) Status conference will be held on 6/9/10, 200 at 3:30 p.m. wherein defendant(s) must be personally present in court.
- (3) Pretrial conference will be held on 6/30/10, 200 at 2:30 p.m. wherein defendant(s) must be personally present in court.
- (4) Jury ~~trial will be~~ ^{trial} held on 7/6/10, 200 at 9:00 a.m. and shall be scheduled for 3 days. The order of the jury panel will be drawn by lot at 3:30 p.m. the afternoon before the day of trial in chambers. Counsel may be present for the drawing of the names.
- (5) Notice is hereby given, pursuant to Rule 25(a)(6), I.C.R. that an alternate judge may be assigned to preside over the trial of this case. The following is a list of potential alternate judges:

Hon. Phillip M. Becker
Hon. Dennis Goff
Hon. Daniel C. Hurlbutt Jr.
Hon. Daniel Meehl

Hon. G.D. Carey
Hon. Nathan Higer
Hon. James Judd
Hon. George R. Reinhardt, III

Hon. W.H. Woodland.
Hon. Ronald Schilling
Hon. Duff McKee

Hon. Kathryn Stihler

- (6) **Defendant shall file all pretrial motions governed by Rule 12 of the Idaho Criminal Rules no later than fourteen (14) days after the compliance date set for discovery or otherwise show good cause, upon formal motion, why such time limits should be extended.** All such motions must be brought on for hearing within fourteen (14) days after filing or forty-eight (48) hours before trial, whichever is earlier. All motions *in limine* shall be in writing and filed no later than five (5) days prior to the pretrial conference. **All Motions to Suppress Evidence must be accompanied by a brief setting forth the factual basis and legal basis for the suppression of evidence.**

IT IS SO ORDERED this 7 day of April, 200 10.

Cheri Copsey
CHERI C. COPSEY
District Judge

cc: Hand delivered to Defendant and Counsel

000032

MAY 04 2010

J. DAVID NAVARRO, Clerk
By SCARLETT RAMIREZ
DEPUTY

GREG H. BOWER
Ada County Prosecuting Attorney

Gabriel M. Haws
Deputy Prosecuting Attorney
200 West Front Street
Boise, Idaho 83702-5954
Telephone: (208) 287-7700

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

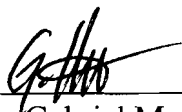
THE STATE OF IDAHO,)	
)	
Plaintiff,	)	Case No. CRFE2010-0003995
)	
vs.	)	MOTION FOR
	)	DISQUALIFICATION
BENNETT JACOB BARTLETT,	)	WITHOUT CAUSE
)	
Defendant.)	
_____)	

COMES NOW, Gabriel M. Haws, Deputy Prosecuting Attorney for Ada County, State of Idaho, and moves this Court to disqualify the Honorable Judge Dennis Goff from presiding over the above-entitled case.

WHEREFORE, the State prays for an order of disqualification and reassignment.

DATED this 4th day of May, 2010.

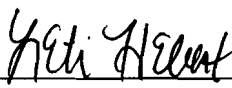
GREG H. BOWER
Ada County Prosecuting Attorney


By: Gabriel M. Haws
Deputy Prosecuting Attorney

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 4th day of May, 2010, a true and correct copy of the foregoing documents were served to **Ada County Public Defender, Erick O'Daniel, 200 W. Front Street, Room 1107, Boise, ID 83702**, in the manner noted below:

- ☐ *By depositing copies of the same in the United States mail, postage prepaid, first class.*
- ☒ *By depositing copies of the same in the Interdepartmental Mail.*
- ☐ *By informing the office of said individual(s) that said copies were available for pickup at the Office of the Ada County Prosecutor.*
- ☐ *By faxing copies of the same to said attorney(s) at the facsimile number: _____*


Leti Hebert, Legal Assistant

GREG H. BOWER
Ada County Prosecuting Attorney

Gabriel M. Haws
Deputy Prosecuting Attorney
200 W. Front Street, Room 3191
Boise, Idaho 83702
Telephone: (208) 287-7700

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,)	
)	
Plaintiff,	)	Case No. CRFE2010-0003995
)	
vs.	)	ORDER FOR
	)	DISQUALIFICATION
BENNETT JACOB BARTLETT,	)	WITHOUT CASE
)	
Defendant.)	
_____)	

The above entitled matter having come before this Court and good cause appearing;

IT IS HEREBY ORDERED that the Honorable Judge Dennis Goff be disqualified from the above entitled case pursuant to Idaho Criminal Rule 25(a), without cause.

DATED this ____ day of May, 2010.

District Judge

MAY 06 2010

J. DAVID NAVARRO, Clerk
By J. WEATHERBY
DEPUTY

GREG H. BOWER
Ada County Prosecuting Attorney

Gabriel M. Haws
Deputy Prosecuting Attorney
200 W. Front Street, Room 3191
Boise, Idaho 83702
Telephone: (208) 287-7700

RECEIVED
MAY 04 2010
ADA COUNTY CLERK

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,)	
)	
Plaintiff,	)	Case No. CRFE2010-0003995
)	
vs.	)	ORDER FOR
	)	DISQUALIFICATION
BENNETT JACOB BARTLETT,	)	WITHOUT CASE
)	
Defendant.)	
_____)	

The above entitled matter having come before this Court and good cause appearing;

IT IS HEREBY ORDERED that the Honorable Judge Dennis Goff be disqualified from the above entitled case pursuant to Idaho Criminal Rule 25(a), without cause.

de
DATED this 6 day of May, 2010.

Clean copy

District Judge

MAY 07 2010

GREG H. BOWER
Ada County Prosecuting Attorney

J. DAVID NAVARRO, Clerk
By SCARLETT RAMIREZ
DEPUTY

Gabriel M. Haws
Deputy Prosecuting Attorney
200 W. Front Street, Room 3191
Boise, Idaho 83702
Telephone: (208) 287-7700

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,)
)
Plaintiff,)
vs.)
)
BENNETT JACOB BARTLETT,)
)
Defendant.)
)
_____)

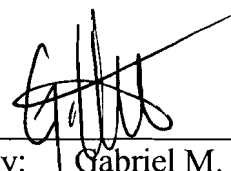
Case No. CRFE2010-0003995

**DISCOVERY
RESPONSE TO COURT**

COMES NOW, Gabriel M. Haws, Deputy Prosecuting Attorney, in and for the
County of Ada, State of Idaho, and informs the Court that the State has complied with the
Defendant's Request for Discovery.

RESPECTFULLY SUBMITTED this 5th day of May, 2010.

GREG H. BOWER
Ada County Prosecuting Attorney


By: _____
Gabriel M. Haws
Deputy Prosecuting Attorney

MAY 07 2010

J. DAVID NAVARRO, Clerk
By SCARLETT RAMIREZ
(DEPUTY)

GREG H. BOWER

Ada County Prosecuting Attorney

Gabriel M. Haws

Deputy Prosecuting Attorney

200 W. Front Street, Room 3191

Boise, Idaho 83702

Telephone: (208) 287-7700

Fax: (208) 287-7709

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF

THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,)

Plaintiff,)

vs.)

BENNETT JACOB BARTLETT,)

Defendant.)

Case No. CRFE2010-0003995

REQUEST FOR DISCOVERY

TO THE ABOVE NAMED DEFENDANT:

PLEASE TAKE NOTICE that the undersigned, pursuant to Rule 16 of the Idaho Criminal Rules, requests Discovery and inspection of the following:

(1) Documents and Tangible Objects:

Request is hereby made by the prosecution to inspect and copy or photograph books, papers, documents, photographs, tangible objects or copies or portions thereof,

which are within the possession, custody or control of the defendant, and which the defendant intends to introduce in evidence at trial.

(2) Reports of Examinations and Tests:

The prosecution hereby requests the defendant to permit the State to inspect and copy or photograph any results or reports of physical or mental examinations and of scientific tests or experiments made in connection with this case, or copies thereof, within the possession or control of the defendant, which the defendant intends to introduce in evidence at the trial, or which were prepared by a witness whom the defendant intends to call at the trial when the results or reports relate to testimony of the witness.

(3) Defense Witnesses:

The prosecution requests the defendant to furnish the State with a list of names and addresses of witnesses the defendant intends to call at trial.

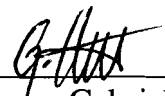
(4) Expert Witnesses:

The prosecution requests the defendant to provide a written summary or report of any testimony that the defense intends to introduce pursuant to Idaho Criminal Rule 16(c)(4), including the facts and data supporting the opinion and the witness's qualifications.

(5) Pursuant to Idaho Code Section 19-519, the State hereby requests that the defendant state in writing within ten (10) days any specific place or places at which the defendant claims to have been at the time of the alleged offense and the names and addresses of the witnesses upon whom he intends to rely to establish such alibi.

DATED this 5th day of May, 2010.

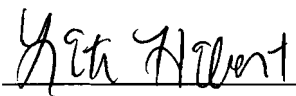
GREG H. BOWER
Ada County Prosecuting Attorney


By: Gabriel M. Haws
Deputy Prosecuting Attorney

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 6th day of May, 2010, a true and correct copy of the foregoing Request for Discovery was served to **Erik O'Daniel, Ada County Public Defender, 200 W. Front Street, Room 1107, Boise, ID 83702**, in the manner noted below:

- ☐ *By depositing copies of the same in the United States mail, postage prepaid, first class.*
- ☒ *By depositing copies of the same in the Interdepartmental Mail.*
- ☐ *By informing the office of said individual(s) that said copies were available for pickup at the Office of the Ada County Prosecutor.*
- ☐ *By faxing copies of the same to said attorney(s) at the facsimile number: _____*


Leti Hebert, Legal Assistant

MAY 07 2010

J. DAVID NAVARRO, Clerk
By JANAE PETERSON
DEPUTY

ADA COUNTY PUBLIC DEFENDER
Attorneys for Defendant
200 West Front Street, Suite 1107
Boise, Idaho 83702
Telephone: (208) 287-7400
Facsimile: (208) 287-7409

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,

Plaintiff,

vs.

BENNETT JACOB BARTLETT,

Defendant.

Case No. CR-FE-2010-0003995

MOTION FOR PRELIMINARY
HEARING TRANSCRIPT

COMES NOW, BENNETT JACOB BARTLETT, the defendant above-named, by and through counsel ERIK J. O'DANIEL, Ada County Public Defender's office, and moves this Court pursuant to ICR 5.1(d) for an ORDER providing typewritten transcripts of the preliminary hearing proceedings, which were held March 23, 2010, as they are essential and necessary for filing pretrial motions. The defendant, being indigent, also requests that the transcripts be prepared at the cost of Ada County, and as soon as possible.

DATED, this 7 day of May 2010.



ERIK J. O'DANIEL
Attorney for Defendant

CERTIFICATE OF MAILING

I HEREBY CERTIFY, that on this 7 day of May 2010, I mailed a true and correct copy of the within instrument to the Ada County Transcript Coordinator by placing said same in the Interdepartmental Mail.



Jacob R. Precht

NO. _____
A.M. 9:13 FILED P.M.

MAY 11 2010

J. DAVID [illegible]
By E. CHILD
[illegible]

ERIK J. O'DANIEL
Deputy Public Defender

ADA COUNTY PUBLIC DEFENDER
Attorneys for Defendant
200 West Front Street, Suite 1107
Boise, Idaho 83702
Telephone: (208) 287-7400
Facsimile: (208) 287-7409

RECEIVED
MAY 07 2010
ADA COUNTY CLERK

**IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA**

STATE OF IDAHO,

Plaintiff,

vs.

BENNETT JACOB BARTLETT,

Defendant.

Case No. CR-FE-2010-0003995

**ORDER FOR PRELIMINARY
HEARING TRANSCRIPT**

For good cause appearing, this Court hereby grants the defendant's Motion for Preliminary Hearing Transcript. Pursuant to ICR 5.1(d), a typewritten transcript of the preliminary hearing held March 23, 2010, shall be prepared at the expense of Ada County, and as soon as possible.

SO ORDERED AND DATED, this 10th day of May 2010.



CHERI C. COPSEY
District Judge

MAY 17 2010

By J. DAVID NAVARRO Clerk
Rae Ann Nixon
DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,)	
)	
Plaintiff,)	
)	
vs.	)	Case No. CRFE-2010- 0003995
)	
JACOB B. BENNETT ,	)	NOTICE OF PREPARATION
	)	OF TRANSCRIPT
Defendant,)	
_____)	

An Order for transcript was filed in the above-entitled matter on May 11 2010, and a copy of said Order was received by the Transcription Department on May 13, 2010. I certify the estimated cost of preparation of the transcript to be:

Type of Hearing: Preliminary Hearing
Date of Hearing: March 23, 2010 Judge: John Hawley, Jr.
44 Pages x \$3.25 = \$143.00

In this case, the Ada County Public Defender's Office has agreed to pay for the cost of the transcript fee upon completion of the transcript.

The Transcription Department will prepare the transcript and file it with the Clerk of the District Court within thirty (30) days (or expedited days) from the date of this notice. The transcriber may make application to the District Judge for an extension of time in which to prepare the transcript.

Date: This 17th day of May, 2010

Rae Ann Nixon
RAE ANN NIXON
Transcript Coordinator

CERTIFICATE OF MAILING

I certify that on this 17th day of May, 2010, a true and correct copy of the Notice of Preparation of Transcript was forwarded to Defendant's attorney of record, by first class mail, at:

Ada Co. Public Defender
200 W. Front St. Ste. 1107
Boise ID 83702
ERIC O'DANIEL



RAE ANN NIXON
Transcript Coordinator

MAY 27 2010

J. DAVID NAVARRO, Clerk
By SCARLETT RAMIREZ
DEPUTY

GREG H. BOWER
Ada County Prosecuting Attorney

Gabriel M. Haws
Deputy Prosecuting Attorney
200 West Front Street, Room 3191
Boise, Idaho 83702
Phone: 287-7700
Fax: 287-7709

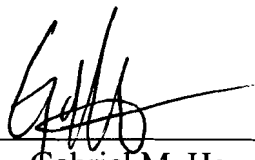
IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,)	
)	
Plaintiff,	)	Case No. CR-FE-2010-003995
vs.)	
	)	ADDENDUM TO
BENNETT JACOB BARTLETT,	)	DISCOVERY RESPONSE
	)	TO COURT
Defendant.)	
_____)	

COMES NOW, Gabriel M. Haws, Deputy Prosecuting Attorney in and for Ada County, State of Idaho, and informs the Court that the State has submitted an Addendum to Response to Discovery.

RESPECTFULLY SUBMITTED this 27th day of May 2010.

GREG H. BOWER
Ada County Prosecuting Attorney


By: Gabriel M. Haws
Deputy Prosecuting Attorney

GREG H. BOWER
Ada County Prosecuting Attorney

Gabriel M. Haws
Deputy Prosecuting Attorney
200 West Front Street, Room #3191
Boise, Idaho 83702
Phone: (208) 287-7700
Fax: (208) 287-7707

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,)	
)	
Plaintiff,	)	Case No. CRFE2010-0003995
vs.)	
)	
BENNETT JACOB BARTLETT,	)	NOTICE OF INTENT TO
	)	USE I.R.E. 404(b) and
Defendant.	)	I.C.R. 16
)	
_____)	

COMES NOW, Gabriel M. Haws, Deputy Prosecuting Attorney for the County of Ada, State of Idaho, and notifies the Court and Counsel of intent to use evidence of the Defendant's prior other crimes, wrongs or acts to establish or prove motive, opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake or accident pursuant to I.R.E. 404(b) and I.C.R. 16 in the State's case in chief. The general nature of the evidence will include testimony from the victim,
NOTICE OF INTENT TO USE I.R.E. 404(b)
(BARTLETT) and I.C.R. 16, Page 1

Sharyl Wilson, of past incidence of violence and kidnapping of Sharyl Wilson and past violence to Sharyl's dogs.

Specifically, victim Wilson would testify that in March of 2009, the Defendant, while drunk, hit the victim in the face, causing bleeding and a soar jaw. He also made the victim sit on the floor and told her that if she tried to get a way it wouldn't happen. Wilson would testify that when she tried to stand the Defendant shoved her back down on the ground. The Defendant sat on her to prevent her from leaving. Eventually, she was able to free herself and left the residence. She called police. She returned to the residence and found the Defendant asleep on her couch. The Defendant had no recollection of the incident.

In April 2009, Wilson would testify that while cleaning out her recently deceased parents home she and the Defendant began to argue about whether she and the Defendant would stay the night together. During the argument, the Defendant, who was drunk, pulled out a butcher knife and while threatening her with the knife, told her "you'd better do what I tell you to do." The Defendant grabbed the victim's hair and drug from the living room to a bedroom. The Defendant poked her in the ribs and neck with the knife, told her not to try to leave the room, and prevented her from escaping the room. After one-half hour, the Defendant went to another room. After a short time, the victim snuck out of the house through a bathroom window. Victim did not call police in relation to that incident. Again, the Defendant had no recollection of the incident after becoming sober.

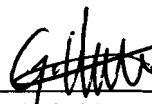
Wilson would testify that a month before the charged incident, while she visited northern Idaho, she drove the Defendant to his cousin's house where he was going to stay. On the drive, the Defendant forced her to pull into a rest area. He told Wilson something to the effect of: "You are really dumb for pulling in here. See the spot in the trees over there? That is just for you after I kill you." When the Defendant got out of the car, she locked the doors. The Defendant became angry and

began to scream and yell at Wilson. A male citizen witness came to Wilson's aid, but the Defendant backed him down. Wilson finally avoided the Defendant enough to finally be able to leave.

DATED this 7th day of June, 2010.

GREG H. BOWER

Ada County Prosecuting Attorney



Gabriel M. Haws

Deputy Prosecuting Attorney

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 7th day of June, 2010, a true and correct copy of the foregoing **Notice of Intent to Introduce 404(b)** was served to **Erick O'Daniel, Ada County Public Defender, 200 W. Front Street, Room 1107, Boise, ID 83702**, in the manner noted below:

- ☐ *By depositing copies of the same in the United States mail, postage prepaid, first class.*
- ☒ *By depositing copies of the same in the Interdepartmental Mail.*
- ☐ *By informing the office of said individual(s) that said copies were available for pickup at the Office of the Ada County Prosecutor.*
- ☐ *By faxing copies of the same to said attorney(s) at the facsimile number: _____*



Leti Hebert, Legal Assistant

NO. _____
A.M. _____ P.M. _____
FILED
JUN 08 2010
J. DAVID NAVARRO, Clerk
By JANA E PETERSON
DEPUTY

GREG H. BOWER
Ada County Prosecuting Attorney

Gabriel M. Haws
Deputy Prosecuting Attorney
200 W. Front Street, Room 3191
Boise Idaho 83702
Telephone: (208) 287-7700

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,)	
)	
Plaintiff,	)	Case No. CRFE2010-0003995
)	
vs.	)	NOTICE OF HEARING
)	
BENNETT JACOB BARTLETT,)	
)	
)	
Defendant.)	

TO: BENNETT JACOB BARTLETT, and Erik O'Daniel Ada County
Public defender, his attorney of record, you will please take notice that on the 30th
day of ~~December~~ ^{June}, 2010, at the hour of 2:30 p.m. of said day, this case will be set
for the State's Notice of Intent to Use 404(b).

DATED this 8th day of June, 2010.

GREG H. BOWER
Ada County Prosecuting Attorney

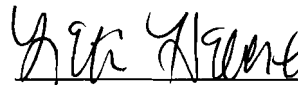


Gabriel M. Haws
Deputy Prosecuting Attorney

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 8th day of June, 2010, a true and correct copy of the foregoing documents were served to **Erik O'Daniel, Ada County Public Defender, 200 W. Front Street, Room 1107, Boise, ID 83702**, in the manner noted below:

- ☐ *By depositing copies of the same in the United States mail, postage prepaid, first class.*
- ☒ *By depositing copies of the same in the Interdepartmental Mail.*
- ☐ *By informing the office of said individual(s) that said copies were available for pickup at the Office of the Ada County Prosecutor.*
- ☐ *By faxing copies of the same to said attorney(s) at the facsimile number:*



Leti Hebert, Legal Assistant

Session: Copsey060910
Session Date: 2010/06/09
Judge: Copsey, Cheri C.
Reporter: Madsen, Kim

Division: DC
Session Time: 08:28

Courtroom: CR503

Clerk(s):
Weatherby, John

State Attorneys:
Dinger, Daniel
Guzman, Cathy
Haws, Gabriel
Koole, Holly

Public Defender(s):
Lojek, Michael
O'Daniel, Erik
Smith, Larry

Prob. Officer(s):

Court interpreter(s):
Barrios, Sandra

Case ID: 0025

Case Number: CRFE-10-03995
Plaintiff:
Plaintiff Attorney:
Defendant: BARTLETT, BENNETT
Co-Defendant(s):
Pers. Attorney:
State Attorney: Haws, Gabriel
Public Defender: O'Daniel, Erik

2010/06/09

15:18:45 - Operator
Recording:

15:18:45 - New case
BARTLETT, BENNETT

15:19:09 - Judge: Copsey, Cheri C.
case called; dft present in custody with counsel

15:19:25 - State Attorney: Haws, Gabriel

ongoing negotiations; still on for trial
 15:19:40 - Public Defender: O'Daniel, Erik
 agrees
 15:19:48 - State Attorney: Haws, Gabriel
 prepare to disclose further discovery
 15:20:23 - State Attorney: Haws, Gabriel
 filed 404b motion; asks to take up at PTC
 15:21:11 - Judge: Copsey, Cheri C.
 will not order Anger Mgt or classes with NG plea
 15:21:22 - Public Defender: O'Daniel, Erik
 state agreed classes were potentially good idea; case may se
 ttle
 15:22:01 - Public Defender: O'Daniel, Erik
 dft agrees to pay for classes
 15:22:27 - Judge: Copsey, Cheri C.
 if plea or were found guilty; would order anyway but don't w
 ant to use jail
 15:22:41 - Judge: Copsey, Cheri C.
 as treatment center
 15:22:48 - Operator
 Stop recording:

JUN 09 2010

J. DAVID NAVARRO, Clerk
By J. WEATHERBY
DEPUTY

ADA COUNTY PUBLIC DEFENDER
Attorneys for Defendant
200 West Front Street, Suite 1107
Boise, Idaho 83702
Telephone: (208) 287-7400
Facsimile: (208) 287-7409

**IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA**

STATE OF IDAHO,
Plaintiff,

vs.

BENNETT BARTLETT,
Defendant.

Case No. CR-FE-2010-3995

**ORDER FOR ANGER MANAGEMENT
PROGRAM PARTICIPATION**

For good cause appearing, the defendant shall be evaluated for participation in the Ada County Sheriff's in-patient **Anger Management Program** and, if found eligible, to participate in said program on the next available date. Said participation shall be at the expense of Ada County—paid through the use of the "court interlock device and electronic monitoring device fund" (hereinafter Interlock Fund). The defendant is presently residing in the Ada County Jail.

Pursuant to Idaho Code § 18-8010, the necessary funds shall be transferred from the Interlock Fund, if funds are available, to the Ada County Sheriff's account to pay for the defendant's participation in the sheriff's in-patient **Anger Management Program** class at the Ada County Jail. The Ada County Treasurer's office, the Ada County Clerk's office, and the Ada County Sheriff's office shall comply with all necessary steps to facilitate the actual transfer of funds.

The Court shall be notified if the defendant is or is not accepted into the program, and that a certificate of completion shall be delivered to the court upon the defendant's completion of the program.

The defendant is hereby placed on notice that he will be subject to making restitution to or reimbursing the Ada County Treasurer for any and all monies used from the Interlock Fund for participation in the sheriff's in-patient **Anger Management Program** class.

SO ORDERED AND DATED, this 9th day of June 2010.

Cheri Copsey
CHERI C. COPSEY
District Judge

CERTIFICATE OF MAILING

I HEREBY CERTIFY, that on this 9 day of June 2010, I caused a true and correct copy of the above and foregoing instrument to be mailed, postage prepaid, to:

ADA COUNTY PROSECUTOR
INTERDEPARTMENTAL MAIL

ADA COUNTY PUBLIC DEFENDER
INTERDEPARTMENTAL MAIL

ADA COUNTY JAIL PROGRAMS
FAXED: (208) 577-3449

TRIAL COURT ADMINISTRATION
INTERDEPARTMENTAL MAIL

J. DAVID NAVARRO
Clerk of the District Court

By [Signature]
Deputy Clerk

JUN 09 2010

J. DAVID NAVARRO, Clerk
By J. WEATHERBY
DEPUTY

ADA COUNTY PUBLIC DEFENDER
Attorneys for Defendant
200 West Front Street, Suite 1107
Boise, Idaho 83702
Telephone: (208) 287-7400
Facsimile: (208) 287-7409

**IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA**

STATE OF IDAHO,
Plaintiff,

vs.

BENNETT BARTLETT,
Defendant.

Case No. CR-FE-20103995

**ORDER FOR SUBSTANCE ABUSE
PROGRAM PARTICIPATION**

For good cause appearing, the defendant shall be evaluated for participation in the Ada County Sheriff's in-patient **Substance Abuse Program** and, if found eligible, to participate in said program on the next available date. Said participation shall be at the expense of Ada County—paid through the use of the "court interlock device and electronic monitoring device fund" (hereinafter Interlock Fund). The defendant is presently residing in the Ada County Jail.

Pursuant to Idaho Code § 18-8010, the necessary funds shall be transferred from the Interlock Fund, if funds are available, to the Ada County Sheriff's account to pay for the defendant's participation in the sheriff's in-patient **Substance Abuse Program** class at the Ada County Jail. The Ada County Treasurer's office, the Ada County Clerk's office, and the Ada County Sheriff's office shall comply with all necessary steps to facilitate the actual transfer of funds.

The Court shall be notified if the defendant is or is not accepted into the program, and that a certificate of completion shall be delivered to the court upon the defendant's completion of the program.

The defendant is hereby placed on notice that he will be subject to making restitution to or reimbursing the Ada County Treasurer for any and all monies used from the Interlock Fund for participation in the sheriff's in-patient **Substance Abuse Program** class.

SO ORDERED AND DATED, this 9th day of June 2010.

Cheri Copsey
CHERI C. COPSEY
District Judge

CERTIFICATE OF MAILING

I HEREBY CERTIFY, that on this 9 day of June 2010, I caused a true and correct copy of the above and foregoing instrument to be mailed, postage prepaid, to:

ADA COUNTY PROSECUTOR
INTERDEPARTMENTAL MAIL

ADA COUNTY PUBLIC DEFENDER
INTERDEPARTMENTAL MAIL

ADA COUNTY JAIL PROGRAMS
FAXED: (208) 577-3449

TRIAL COURT ADMINISTRATION
INTERDEPARTMENTAL MAIL

J. DAVID NAVARRO
Clerk of the District Court

By [Signature]
Deputy Clerk

JUN 11 2010

J. DAVID NAVARRO, Clerk
BY JAMIE PETERSON
CLERK

ERIK J. O'DANIEL
Deputy Public Defender
200 W. Front St., Suite 1107
Boise, Idaho 83702
Telephone: (208) 287-7400
ISB# 6534

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,
Plaintiff,

vs.

BENNETT BARTLETT,
Defendant.

Criminal No. CR-FE-2010-3995

MOTION TO DISMISS INFORMATION

COMES NOW the above-named defendant, by and through counsel of record, Ada County Public Defender's Office, Erik O'Daniel, handling attorney, and hereby moves this court pursuant to Idaho Code § 19-815A for an order dismissing the information filed in the above case, on the grounds that the evidence presented at the preliminary hearing on 23 March 2010, failed to establish that there was reasonable or probable cause to believe that the defendant committed the crime for which he was held to answer within the jurisdiction of this court. A preliminary hearing transcript should have been received by the court on 28 May 2010.

Dated this 6 June 2010.


ERIK O'DANIEL
Deputy Public Defender

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on 6 June 2010, I caused to be hand-delivered to the ADA COUNTY PROSECUTOR a true and correct copy of the foregoing document.


ERIK O'DANIEL

JUN 11 2010

J. DAVID NAVARRO, Clerk
By JANAE PETERSON
DEPUTY

GREG H. BOWER
Ada County Prosecuting Attorney

Gabriel M. Haws
Deputy Prosecuting Attorney
200 West Front Street, Room 3191
Boise, Idaho 83702
Phone: 287-7700
Fax: 287-7709

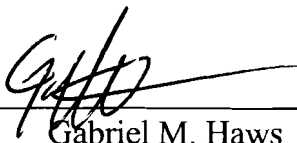
IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,)	
)	
Plaintiff,	)	Case No. CR-FE-2010-003995
vs.)	
	)	SECOND ADDENDUM TO
BENNETT JACOB BARTLETT,	)	DISCOVERY RESPONSE
	)	TO COURT
Defendant.)	
_____)	

COMES NOW, Gabriel M. Haws, Deputy Prosecuting Attorney in and for Ada
County, State of Idaho, and informs the Court that the State has submitted a Second
Addendum to Response to Discovery.

RESPECTFULLY SUBMITTED this 9th day of June, 2010.

GREG H. BOWER
Ada County Prosecuting Attorney

By: 
Gabriel M. Haws
Deputy Prosecuting Attorney

Session: Copsey063010
Session Date: 2010/06/30
Judge: Copsey, Cheri C.
Reporter: Madsen, Kim

Division: DC
Session Time: 08:08

Courtroom: CR507

Clerk(s):
Weatherby, John

State Attorneys:
Guzman, Cathy
Haws, Gabriel
Koole, Holly
Stellmon, Tanner
Wittwer, Kai

Public Defender(s):
Lojek, Michael
O'Daniel, Erik
Smith, Larry

Prob. Officer(s):

Court interpreter(s):

Case ID: 0025

Case Number: CRFE-10-03995
Plaintiff:
Plaintiff Attorney:
Defendant: BARTLETT, BENNETT
Co-Defendant(s):
Pers. Attorney:
State Attorney: Haws, Gabriel
Public Defender: O'Daniel, Erik

2010/06/30

14:27:57 - Operator
Recording:

14:27:57 - New case
BARTLETT, BENNETT

14:28:04 - Judge: Copsey, Cheri C.

case called; dft present in custody with counsel

14:28:09 - Judge: Copsey, Cheri C.

Rule 11 plea agreement
14:28:42 - Judge: Copsey, Cheri C.
state to amend Information for Agg. Assault and dismiss coun
t 2
14:29:38 - Judge: Copsey, Cheri C.
5=2+3 susp; CTA; no additional incarceration; sub abuse eval
and comply;
14:30:05 - Judge: Copsey, Cheri C.
random EtG/EtS; anger mgt; csc, thinking errors 1 and 2; sta
te will oppose
14:30:33 - Judge: Copsey, Cheri C.
transfer to Washington
14:30:40 - Defendant: BARTLETT, BENNETT
14:30:45 - Judge: Copsey, Cheri C.
state will oppose transfer to Washington state; court will n
ot recommend
14:31:11 - Judge: Copsey, Cheri C.
transfer; IDOC may approve transfer
14:31:30 - Public Defender: O'Daniel, Erik
discusses with dft
14:31:45 - Judge: Copsey, Cheri C.
continues rule 11 agreement
14:32:55 - Defendant: BARTLETT, BENNETT
understanding of agreement
14:33:05 - State Attorney: Haws, Gabriel
dismiss count 2; will submit amended information
14:34:20 - Judge: Copsey, Cheri C.
arraigns on amended information
14:34:51 - Defendant: BARTLETT, BENNETT
understands
14:35:40 - Judge: Copsey, Cheri C.
questions defense counsel
14:35:46 - Public Defender: O'Daniel, Erik
discussed matter with dft; wants to take plea agreement
14:36:09 - Public Defender: O'Daniel, Erik
withdrawing motion to dismiss information
14:36:18 - Defendant: BARTLETT, BENNETT
agrees
14:37:00 - Public Defender: O'Daniel, Erik
dft indicated some MH issues
14:37:56 - Judge: Copsey, Cheri C.
any indication need for 18-211?
14:38:07 - Public Defender: O'Daniel, Erik
not necessary
14:39:57 - Defendant: BARTLETT, BENNETT
intent to plead guilty; written guilty plea; sworn and exami
ned by the court
14:41:21 - Defendant: BARTLETT, BENNETT

14:43:39 - Judge: Copsey, Cheri C.
counsel indicated dft had memory problems from incident; will handle as

14:44:06 - Judge: Copsey, Cheri C.
Alford plea, state to present evidence that would have been shown to jury

14:44:30 - Defendant: BARTLETT, BENNETT

14:44:44 - Judge: Copsey, Cheri C.
explains that Alford plea will show as guilty plea; allow for people with no

14:45:12 - Judge: Copsey, Cheri C.
independent recollection of crime; still pleading guilty

14:45:28 - Defendant: BARTLETT, BENNETT
understands

14:46:13 - Defendant: BARTLETT, BENNETT

14:46:25 - Judge: Copsey, Cheri C.
won't recommend that you will go back to Washington; up to I DOC

14:46:43 - Public Defender: O'Daniel, Erik
dft wanted other things in agreement that were beneficial to him that state

14:47:06 - Public Defender: O'Daniel, Erik
wouldn't allow

14:47:10 - Defendant: BARTLETT, BENNETT
agrees

14:48:21 - Judge: Copsey, Cheri C.
explains that cooperation with PSI is part of agreement

14:50:27 - State Attorney: Haws, Gabriel
describes evidence that would be presented to jury

14:52:29 - Defendant: BARTLETT, BENNETT
likelihood jury would find guilty of Agg Assault

14:53:28 - Defendant: BARTLETT, BENNETT
pleading guilty to take advantage of rule 11 agreement; pleads guilty

14:53:45 - Judge: Copsey, Cheri C.
accepts plea; orders PSI; SH 8/4

14:55:06 - Operator
Stop recording:

GREG H. BOWER
Ada County Prosecuting Attorney

JUN 30 2010

J. DAVID NAVARRO, Clerk
By J. WEATHERBY
DEPUTY

Gabriel M. Haws
Deputy Prosecuting Attorney
200 West Front Street, Room #3191
Boise, Idaho 83702
Phone: (208) 287-7700
Fax: (208) 287-7707

**IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO IN AND FOR THE COUNTY OF ADA**

STATE OF IDAHO,)	
	)	Case No. CR-FE-2010-3995
Plaintiff,)	
	)	IDAHO CRIMINAL RULE 11 PLEA
vs.	)	AGREEMENT
)	
BENNET JACOB BARTLETT,)	
)	
Defendant)	

COMES NOW the State of Idaho, by and through its counsel of record, Gabriel M. Haws, Deputy Prosecuting Attorney for Ada County, and defendant, Bennet Jacob Bartlett, individually, and through her attorney of record, Erik O'Daniel, and pursuant to Rule 11(f)(1)(C) of the Idaho Criminal Rules, hereby submit the following plea agreement:

1. Defendant is charged with one (1) count of Kidnapping in the Second Degree, Felony, I.C. §§ 18-4501, 4503, and one (1) count Cruelty to Animals, Misdemeanor, I.C. §25-3504.
2. The parties will stipulate to allow the State to file an Amended Information, charging Defendant with Aggravated Assault, Felony, in violation of I.C. §§18-902, 905, ~~and one (1) count Cruelty to Animals, Misdemeanor, I.C. §25-3504.~~

IDAHO CRIMINAL RULE 11 PLEA AGREEMENT - 1

GH 6/30/10
CD 6/30/10

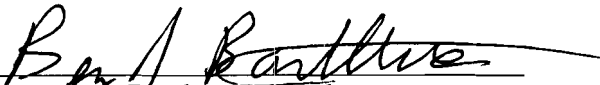
000062


3. That in exchange for the defendant's guilty plea to the Amended Information, the State of Idaho and the Defendant agree to a specific sentence as follows:
- a. Defendant will be sentenced to a determinate period of two (2) years followed by three (3) years indeterminate.
 - b. Parties agree the Defendant will be placed on probation.
 - c. Defendant will receive credit for time served prior to sentencing. The State will not ask for additional incarceration as penalty or punishment.
 - d. Defendant will obtain a substance abuse evaluation and comply with the recommendation set forth therein. Defendant will be required to undergo random ETG/ETS testing.
 - e. Defendant will complete an anger management class and complete CSC Thinking Errors I and II.
 - f. The State will not oppose transfer of probation outside Idaho with the exception of transfer to Washington.
 - g. Defendant agrees to no contact with Sharyl Wilson and agrees a No Contact Order will be entered in this case, which will end five (5) years from the date of sentencing.
 - h. Additional terms such as fine, costs, public defender reimbursement, etc., will be open for argument.
 - i. Defendant shall submit DNA sample pursuant to 19-5506(2).
 - j. Defendant agrees that, as condition precedent to receiving the benefit of this Rule 11 agreement, he will cooperate with the PSI and evaluation process, shall not incur new criminal charges, and he will appear at all court dates.
 - k. Defendant agrees to withdraw the Motion to Dismiss filed in this case and waives his right ~~to~~^{to} appeal that issue.
4. This plea agreement is made pursuant to Rule 11(f)(1)(C) of the Idaho Criminal Rules, and is entered into upon the express condition that the provisions set forth above shall constitute the defendant's entire sentence as a result of the charges currently pending against her. The parties have entered into lengthy discussions regarding the disposition of the foregoing case, and are of the joint opinion that the terms and conditions set forth above are in the interests of justice.
5. The parties understand and agree that the court may accept or reject this plea bargain agreement pursuant to Rule 11(d)(3) and (4) of the Idaho Criminal Rules. Should the court reject the plea agreement, the Defendant shall have the right to withdraw from the plea agreement, withdraw his plea of guilty, and proceed to trial on all counts presently charged in the Information.

6. The Defendant states that he is aware of his absolute right to plead not guilty and persist in that plea; that he has a right to be tried by a jury, and at that trial has a right to the assistance of counsel; that at trial, he has the right to require the government to prove the entire case against him beyond a reasonable doubt; that he has a right not to testify against himself or not to be compelled to incriminate himself. Further, at trial, he would have the right to confront and cross examine witnesses on his own behalf.
7. Defendant understands that by pleading guilty, he waives the right to a trial by jury; that no trial will, in fact, occur, and that the only thing remaining to be done in this case is the hearing at the time and date set for sentencing, at which only matters concerning the nature of the sentence to be imposed by the Court are to be heard and decided by the Court.
8. The defendant and his counsel both state that this agreement constitutes the entire agreement between the defendant and the State of Idaho, and that no other promises or inducements have been made, directly or indirectly, by any agent of the State of Idaho, including the Prosecuting Attorney for Ada County, Idaho, or any of his deputies, concerning any plea to be entered in this case. In addition, the defendant states that no person has, directly or indirectly, threatened or coerced the defendant to do, or refrain from doing, anything in connection with any aspect of this case, including entering a plea of guilty.
9. Counsel for the defendant states that he has read this agreement, has explained said agreement to the defendant, and states that, to the best of his knowledge and belief, the defendant understands this agreement.

10. The defendant states that she has read this agreement; that she has had said agreement read to him; and that he has discussed said agreement with her attorney and understands this agreement.

30th
DATED this ~~29~~ day of June, 2010.


Bennet Jacob Bartlett, Defendant


Erik O'Daniel
Attorney for Defendant


Gabriel M. Haws
Deputy Prosecuting Attorney, Ada County

JUN 30 2010

J. DAVID NAVARRO, Clerk
By J. WEATHERBY
DEPUTY

GREG H. BOWER
Ada County Prosecuting Attorney
200 W. Front Street, Room 3191
Boise, Idaho 83702
Phone: 287-7700
Fax: 287-7709

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,)	
)	
Plaintiff,	)	Case No. CR-FE-2010-0003995
)	
vs.	)	AMENDED INFORMATION
)	
BENNET JACOB BARTLETT,	)	Defendant's DOB: [REDACTED]
	)	Defendant's SSN: [REDACTED]
Defendant.)	
_____)	

GREG H. BOWER, Prosecuting Attorney, in and for the County of Ada, State of Idaho, who in the name and by the authority of the State, prosecutes in its behalf, comes now into District Court of the County of Ada, and states that BENNET JACOB BARTLETT is accused by this Information of the crimes of: I. AGGRAVATED ASSAULT, FELONY, I.C. §18-901, §18-905 and ~~II. COMMIT CRUELTY TO ANIMALS, MISDEMEANOR, I.C. §25-3504~~ *ccc* which crimes were committed as follows:

JW

COUNT I

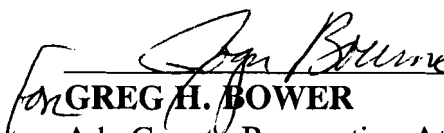
That the Defendant, BENNETT JACOB BARTLETT, on or about the 9th day of March, 2010, in the County of Ada, State of Idaho, did intentionally, unlawfully, and with apparent ability, threaten by word or act to do violence to the person of Sharyl Wilson by means or force likely to produce great bodily harm, to-wit: threatening to "put his fist down her throat: or "get [her] later" if she called police, hitting, striking, shoving, or dragging Sharyl Wilson by her hair, which created a well founded fear in Sharyl Wilson that such violence was imminent.

COUNT II

by agreement of parties

That the Defendant, BENNETT JACOB BARTLETT, on or about the 9th day of March, 2010, in the County of Ada, State of Idaho, did intentionally and maliciously inflict pain, physical suffering, and/or injury upon an animal, to-wit: a Shitzu dog by squeezing the dog's neck and striking it in the head with a closed fist.

All of which is contrary to the form, force and effect of the statute in such case and against the peace and dignity of the State of Idaho.


GREG H. BOWER
Ada County Prosecuting Attorney

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT IN AND
FOR THE COUNTY OF ADA IN AND FOR THE STATE OF IDAHO

GUILTY PLEA ADVISORY AND FORM (JUDGE CHERI COPSEY)

TO BE FILLED OUT BY THE DEFENDANT

Defendant's Name: Ben J Bartlett Signature: Ben J Bartlett

Date: 6-27-10 Case Number: _____

Age: 47 Date of Birth: 1-1-63

Nature of Charge(s): Aggravated Assault Minimum & Maximum Possible Penalty: Prison - up to 5 years
SS 18-902; 905

**STATEMENT OF RIGHTS & EXPLANATION OF WAIVERS BY PLEA OF GUILTY
(PLEASE INITIAL EACH RESPONSE)**

- 1. You have the right to remain silent. You do not have to say anything about the crime(s) you are accused of committing. If you choose to have a trial, the State cannot require you to testify. If you do decide to testify, however, the State will be permitted to ask you questions on cross examination and anything you say can be used as evidence against you in court.

I understand that by pleading guilty I am waiving my right to remain silent before and during trial. BJS

2. The waiver of your right to remain silent only applies to your plea of guilty to the crime(s) in this case. Even after pleading guilty, you will still have the right to refuse to answer any question or to provide any information that might tend to show you committed some other crime(s). You can also refuse to answer or provide any information that might tend to increase the punishment for the crime(s) to which you are pleading guilty.

I understand that by pleading guilty to the crime(s) in this case, I still have the right to remain silent with respect to any other crime(s) and with respect to answering questions or providing information that may increase my sentence. BJS

3. You have the right to be represented by an attorney. If you want an attorney and cannot pay for one, you can ask the judge for an attorney who will be paid by the county. BJB.

4. You are presumed to be innocent. You would be found guilty if: 1) you plead guilty in front of the judge, or 2) you are found guilty at a jury trial.

I understand that by pleading guilty I am waiving my right to be presumed innocent. BJB.

5. You have the right to a speedy and public jury trial. A jury trial is a court hearing to determine whether you are guilty or not guilty of the charge(s) brought against you. In a jury trial, you have the right to present evidence in your defense and to testify in your own defense. The state must convince each and every one of the jurors of your guilt beyond a reasonable doubt.

I understand that by pleading guilty I am waiving my right to a speedy and public jury trial. BJB.

6. You have the right to confront the witnesses called against you. This occurs during a jury trial where the state must prove its case by calling witnesses to testify under oath in front of you, the jury, and your attorney. Your attorney could then cross-examine (question) each witness. You could also call your own witnesses of your choosing to testify concerning your guilt or innocence. If you do not have the funds to bring those witnesses to court, the state will pay the cost of bringing your witnesses to court.

I understand that by pleading guilty, I am waiving my right to confront the witnesses against me, to present witnesses on my own behalf and to present evidence in my defense. BJB.

7. The State has the burden of proving you guilty beyond a reasonable doubt.

I understand that by pleading guilty, I am waiving my right to require the State to prove my guilt beyond a reasonable doubt. BJB.

QUESTIONS REGARDING PLEA

(Please answer every question. If you do not understand a question consult your attorney before answering.)

PLEASE CIRCLE ONE

1. Do you read and write the English language?
If not, have you been provided with an interpreter to help you fill out this form?

YES NO

YES NO N/A

2. What is your true and legal name? Bennett Jacob Bartlett

3. What was the highest grade you completed? 11.

If you did not complete high school, have you received either a GED or HSE?

☒ YES ☐ NO ☐ N/A

4. Are you currently under the care of a mental health professional? ☒ YES ☐ NO

If you answered "yes," what is the mental health professional's name? _____

5. Have you ever been diagnosed with a mental health disorder? ☒ YES ☐ NO

If you answered "yes," what was the diagnosis and when was it made?

clinical depression, paranoia

6. Are you currently prescribed any medication? ☒ YES ☐ NO

If you answered "yes," what medications are you taking at this time?

celexa synthroid

If you answered "yes," have you taken your prescription medication during the past 24 hours? ☒ YES ☐ NO ☐ N/A

7. In the last 24 hours, have you taken any medications or drugs, **INCLUDING** over the counter drugs, or drunk any alcoholic beverages?

☒ YES ☐ NO

If "yes," what have you taken? celexa, synthroid

Do you believe this affects your ability to understand these questions, and make a reasoned and informed decisions in this case? ☒ YES ☐ NO ☐ N/A

8. Is there any other reason that you would be unable to make a reasoned and informed decision in this case? ☒ YES ☐ NO

If "yes," what is the reason? _____

9. Is your guilty plea the result of a plea agreement? ☒ YES ☐ NO

If you answered "yes," what are the terms of that plea agreement? (If available, a written plea agreement should be attached hereto as "Addendum 'A'")

yes Rule 11 plea Agreement

10. There are two types of plea agreements. Please initial the ONE paragraph below which describes the type of plea you are entering:

- a. I understand that the court is NOT bound by the plea agreement or any sentencing recommendations, and may impose any sentence authorized by law, including the maximum sentence stated above. Because the court is not bound by the agreement, if the district court chooses not to follow the agreement, I will not have the right to withdraw my guilty plea. _____.
- b. I understand that my plea agreement is a binding plea agreement. This means that if the district court does not impose the specific sentence as recommended by both parties, I will be allowed to withdraw my plea of guilty pursuant to Rule 11(d)(4) of the Idaho Criminal Rules and proceed to a jury trial. BDB.

11. As a term of your plea agreement, are you pleading guilty to more than one crime?
YES NO

If you answered "yes," do you understand that your sentence for each crime could be ordered to be served either concurrently (at the same time) or consecutively (one after the other)?
YES NO N/A

12. Is this a conditional guilty plea in which you are reserving your right to appeal any pre-trial issues?
BDB ~~YES~~ NO

If you answered "yes," what issue are you reserving the right to appeal?

13. Have you waived your right to appeal your judgment of conviction as part of your plea agreement?
YES NO

14. Have any other promises been made to you which have influenced your decision to plead guilty?
BDB YES ~~NO~~

If you answered "yes," what are those promises?

The I agreed to this plea so that I will get time served with the rest of sentence converted to probation. No additional time.

15. Do you feel you have had sufficient time to discuss your case with your attorney?
YES NO

16. Have you told your attorney everything you know about the crime? **YES** NO

17. Is there anything you have requested your attorney to do that has ~~not~~ been done?

ELB ~~YES~~ **NO**

If you answered "yes," please explain. _____

18. Your attorney can get various items from the prosecutor relating to your case. This may include police reports, witness statements, tape recordings, photographs, reports of scientific testing, etc. This is called discovery. Have you reviewed the evidence provided to your attorney during discovery?

YES NO

19. Are there any witnesses who could show your innocence?

YES **NO**

If you answered "yes," have you told your attorney who those witnesses are?

YES NO N/A

20. Do you understand that by pleading guilty you waive any defenses, both factual and legal, that you believe you may have in this case?

YES NO

21. Are there any motions or other requests for relief that you believe should still be filed in this case?

YES **NO**

If you answered "yes," what motions or requests? _____

22. Do you understand that if you enter an unconditional guilty plea in this case you will not be able to challenge any rulings that came before the guilty plea including:

- 1) any searches or seizures that occurred in your case,
- 2) any issues concerning the method or manner of your arrest, and
- 3) any issues about any statements you may have made to law enforcement?

YES NO

23. Do you understand that when you plead guilty, you are admitting the truth of each and every allegation contained in the charge(s) to which you plead guilty?

YES NO

24. Are you currently on probation or parole?

YES **NO**

If you answered "yes", do you understand that a plea of guilty in this case could be the basis of a violation of that probation or parole and additional punishment?

YES NO N/A

25. As a result of your plea in this case, have you been advised that you may be required pay restitution to any victim in this case pursuant to I.C. §19-5304?

YES NO

If "yes", to whom? _____

26. As a result of your plea in this case, have you been advised that you may be required to pay restitution to any other party as a condition of your plea agreement?

YES NO

If "yes", to whom? _____

27. As a result of your plea in this case, will you be required to pay the costs of prosecution and investigation? (I.C. § 37-2732A(K))

YES NO

28. As a result of your plea in this case, will you be required to submit a DNA sample to the state? (I.C. § 19-5506)

YES NO

29. As a result of your plea in this case, can the court impose a fine for a crime of violence of up to \$5,000, payable to the victim of the crime? (I.C. §19-5307)

YES NO

30. As a result of your plea in this case, is there a mandatory driver's license suspension?

YES NO

If "yes", for how long must your license be suspended? _____

31. As a result of your plea in this case, is there a mandatory domestic violence, substance abuse, or psychosexual evaluation? (I.C. §§ 18-918(7)(a), 8005(9), 8317)

YES NO

32. Have you discussed with your attorney the fact the Court will order a pre-sentence investigation, psychosexual evaluation, anger evaluation and/or domestic violence evaluation and that anything you say during any of those examinations may be used against you in sentencing?

YES NO

33. Has your attorney explained the fact that you have a constitutional right to remain silent during any of those examinations but that you may give up that right and voluntarily participate in those examinations?

YES NO

34. Do you understand that by pleading guilty to a felony, you run the risk that if you have new felony charges in the future, you could be charged as a Persistent Violator? (I.C. § 19-2514)

YES NO

Do you understand that if you are convicted as a Persistent Violator, the court in that new case could sentence you to an enhanced sentence which could include life imprisonment?

YES NO

35. As a result of your plea in this case, will you be required to register as a sex offender? (I.C. § 18-8304)

YES NO

If you answered "yes" to Question No. 36, do you understand that if you are found guilty or plead guilty to another charge that requires you to register as a sex offender in the future, you could be charged in the new crime under I.C. § 19-2520G requiring a mandatory sentence of fifteen (15) years to run consecutive to any other sentence imposed by the court?

YES NO N/A

36. Do you understand that if you plead guilty to a felony, you will lose your right to vote in Idaho during the period of your sentence? (ID. CONST. art. 6, § 3)

YES NO

37. Do you understand that if you plead guilty to a felony, you will lose your right to hold public office in Idaho during the period of your sentence? (ID. CONST. art. 6, § 3)

YES NO

38. Do you understand that if you plead guilty to a felony, you will lose your right to perform jury service in Idaho during the period of your sentence? (ID. CONST. art. 6, § 3)

YES NO

39. Do you understand that if you plead guilty to a felony you will lose your right to purchase, possess, or carry firearms? (I.C. § 18-310)

YES NO

40. Do you understand that no one, including your attorney, can force you to plead guilty in this case?

YES NO

41. Are you pleading guilty freely and voluntarily?

YES NO

42. Are you pleading guilty because you committed the acts alleged in the information or indictment?

YES NO

43. If you were provided with an interpreter to help you fill out this form, have you had any trouble understanding your interpreter?

YES NO N/A

44. Has any person (including a law enforcement officer or police officer) threatened you or done anything to make you enter this plea against your will?

YES NO

If your answer is "yes," what threats have been made and by whom?

45. Other than in the plea agreement, has any person promised you that you will receive any special sentence, reward, favorable treatment, or leniency with regard to the plea you are about to enter?

YES NO

If your answer is "yes," what promises have been made and by whom?

46. Do you understand that the only person who can promise what sentence you will actually receive is the Judge? YES NO

47. Are you satisfied with your attorney? YES NO

48. Have you answered all questions on this Questionnaire truthfully and of your own free will? YES NO

49. Have you had any trouble answering any of the questions in this form which you could not work out by discussing the issue with your attorney? YES NO

50. IF YOU ARE NOT A CITIZEN OF THE UNITED STATES, do you understand that by pleading guilty you could be deported or removed from the United States, lose your ability to obtain legal status in the United States, or be denied an application for United States citizenship? YES NO N/A

51. Do you swear under penalty of perjury that your answers to these questions are true and correct? YES NO

I have answered the questions on pages 1-8 of this Guilty Plea Advisory form truthfully. I understand all of the questions and answers herein, have discussed each question and answer with my attorney, and have completed this form freely and voluntarily. Furthermore, no one has threatened me to do so.

Dated this 30th day of June, 2010

Beryl Bartlett
DEFENDANT

I hereby acknowledge that I have discussed, in detail, the foregoing questions and answers with my client.

[Signature]
DEFENDANT'S ATTORNEY

Session: Copsey080410
Session Date: 2010/08/04
Judge: Copsey, Cheri C.
Reporter: Madsen, Kim

Division: DC
Session Time: 08:31

Courtroom: CR503

Clerk(s):

Johnson, Inga

State Attorneys:

Blount, Ralph
Dunn, Shawna
Haws, Gabe
Koole, Holly
Stellmon, Tanner

Public Defender(s):

Lojek, Michael
O'Daniel, Erik
Smith, Larry

Prob. Officer(s):

Court interpreter(s):

Barrios, Sandra

Case ID: 0002

Case Number: CRFE10-03995

Plaintiff:

Plaintiff Attorney:

Defendant: Bartlett, Bennett

Additional audio and annotations can be found in case: 0005.

Co-Defendant(s):

Pers. Attorney:

State Attorney: Haws, Gabe

Public Defender: O'Daniel, Erik

2010/08/04

09:36:22 - Operator

Recording:

09:36:22 - New case

Bartlett, Bennett

09:36:34 - General:

def present in custody for sentencing, ct reviews

09:37:12 - Judge: Copsey, Cheri C.

Addresses def- not inclined to follow Rule 11

09:37:47 - Public Defender: O'Daniel, Erik

Asks reset to this afternoon

09:38:01 - Judge: Copsey, Cheri C.

Cont. to 1:30 today.

09:38:59 - Operator

Stop recording:

Case ID: 0005

Case Number: CRFE10-03995

Plaintiff:

Plaintiff Attorney:

Defendant: Bartlett, Bennett

Previous audio and annotations can be found in case: 0002.

Co-Defendant(s):

Pers. Attorney:

State Attorney: Haws, Gabe

Public Defender: O'Daniel, Erik

11:09:01 - Operator

Recording:

11:09:01 - Recall

Bartlett, Bennett

11:09:08 - Public Defender: O'Daniel, Erik

Has talked to client- asks w/d plea, set for trial

11:09:42 - Public Defender: O'Daniel, Erik

Asks set asap

11:11:00 - Judge: Copsey, Cheri C.

JT- 9/27/10 if def. waives speedy trial

11:11:40 - Public Defender: O'Daniel, Erik

Def. waives speedy trial

11:13:21 - Judge: Copsey, Cheri C.

Q. def., advises re: Rule 11/PSI and use/non-use at trial

11:15:42 - Public Defender: O'Daniel, Erik

Responds, advises def further

11:16:04 - Judge: Copsey, Cheri C.

Advises re: speedy trial rights

11:16:34 - Defendant: Bartlett, Bennett

Waives speedy trial rights

11:16:47 - Judge: Copsey, Cheri C.

JT-9/27/10 at 9 (3d).

11:18:31 - Judge: Copsey, Cheri C.

PTC- 9/15/10 at 2:30, Status conf.-9/8/10 at 3:30

11:19:16 - State Attorney: Haws, Gabe

Asks re-open discovery

11:19:21 - Public Defender: O'Daniel, Erik

objects

11:19:25 - Judge: Copsey, Cheri C.

reopens to 9/1/10

11:20:32 - General:

Court and counsel discuss specifics

11:20:42 - Judge: Copsey, Cheri C.

Both sides may keep PSI for now

11:21:08 - Operator

Stop recording:

000077

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

FILED	8/4/10	AT	11/15/10
J. DAVID NAVARRO CLERK OF THE DISTRICT COURT			
BY	Deputy Clerk		

THE STATE OF IDAHO,

Plaintiff,

vs.

Bennett Bartlett

Defendant.

Case No. CRFE 10-03995

**ORDER GOVERNING FURTHER
CRIMINAL PROCEEDINGS AND
NOTICE OF TRIAL SETTING**

IT IS HEREBY ORDERED as follows:

- (1) Compliance date for discovery is set on or before 9/1/10, 200 .
- (2) Status conference will be held on 9/8/10, 200 at 3:30 p.m. wherein defendant(s) must be personally present in court.
- (3) Pretrial conference will be held on 9/15/10, 200 at 2:30 p.m. wherein defendant(s) must be personally present in court.
- (4) Jury trial will be held on 9/27/10, 200 at 9:00 a.m. and shall be scheduled for 3 days. The order of the jury panel will be drawn by lot at 3:30 p.m. the afternoon before the day of trial in chambers. Counsel may be present for the drawing of the names.

- (5) Notice is hereby given, pursuant to Rule 25(a)(6), I.C.R. that an alternate judge may be assigned to preside over the trial of this case. The following is a list of potential alternate judges:

~~Hon. Kathryn Stricker~~
Hon. Philip M. Becker
Hon. Dennis Goff
Hon. Daniel C. Hurlbutt Jr.
Hon. Daniel Meehl

Hon. K. Barry Wood
Hon. G.D. Carey
Hon. Nathan Higer
Hon. James Judd
Hon. George R. Reinhardt, III

Hon. Peter McDermott
Hon. W.H. Woodland.
Hon. Ronald Schilling
Hon. Duff McKee

- (6) **Defendant shall file all pretrial motions governed by Rule 12 of the Idaho Criminal Rules no later than fourteen (14) days after the compliance date set for discovery or otherwise show good cause, upon formal motion, why such time limits should be extended.** All such motions must be brought on for hearing within fourteen (14) days after filing or forty-eight (48) hours before trial, whichever is earlier. All motions *in limine* shall be in writing and filed no later than five (5) days prior to the pretrial conference. **All Motions to Suppress Evidence must be accompanied by a brief setting forth the factual basis and legal basis for the suppression of evidence.**

IT IS SO ORDERED this 4 day of August, 2010.

Cheri Copsey
CHERI C. COPSEY
District Judge

cc: Hand delivered to Defendant and Counsel

000078

Session: Copsey090810
Session Date: 2010/09/08
Judge: Copsey, Cheri C.
Reporter: Madsen, Kim

Division: DC
Session Time: 08:22

Courtroom: CR503

Clerk(s):
Weatherby, John

State Attorneys:
Haws, Gabe
Koole, Holly
Stellmon, Tanner

Public Defender(s):
Lojek, Michael
O'Daniel, Erik
Smith, Larry

Prob. Officer(s):

Court interpreter(s):

Case ID: 0013

Case Number: CRFE-10-03995
Plaintiff:
Plaintiff Attorney:
Defendant: BARTLETT, BENNETT
Co-Defendant(s):
Pers. Attorney:
State Attorney: Haws, Gabe
Public Defender: O'Daniel, Erik

2010/09/08

10:59:37 - Operator
Recording:
10:59:37 - New case
BARTLETT, BENNETT
10:59:54 - Judge: Copsey, Cheri C.
case called; dft present in custody with counsel for status
conference
11:00:43 - Judge: Copsey, Cheri C.
likelihood case will be tried by Plan B
11:00:54 - Judge: Copsey, Cheri C.
still on for trial; will hear argument on 404(b)
11:01:10 - State Attorney: Haws, Gabe
argument
11:07:38 - Public Defender: O'Daniel, Erik
response; question of intent re alleged kidnapping
11:09:24 - Judge: Copsey, Cheri C.
analysis different for cruelty to animals
11:10:54 - Public Defender: O'Daniel, Erik
11:11:18 - State Attorney: Haws, Gabe

rebuttal

11:12:53 - State Attorney: Haws, Gabe
description of incident

11:15:50 - Judge: Copsey, Cheri C.
items are relevant as to intent to detain against her will;
concern jury will

11:16:23 - Judge: Copsey, Cheri C.
confuse it and cause it to be propensity evidence; does prej
udice outweigh

11:16:47 - Judge: Copsey, Cheri C.
relevance, will not allow evidence in case in chief

11:17:50 - State Attorney: Haws, Gabe
asks to submit supplemental motion re cruelty to animals

11:18:07 - Judge: Copsey, Cheri C.
close issue; domestic violence not alleged here; reviews ele
ments for

11:18:24 - Judge: Copsey, Cheri C.
kidnapping; intent

11:21:09 - State Attorney: Haws, Gabe
suggests possible re included offenses for jury instructions

11:22:26 - Public Defender: O'Daniel, Erik
asks to clarify

11:23:38 - Judge: Copsey, Cheri C.
will investigate Agg Assault; must be supported by facts in
Information

11:25:15 - State Attorney: Haws, Gabe

11:25:50 - Judge: Copsey, Cheri C.
leave on for pretrial 9/15

11:26:03 - Operator
Stop recording:

Session: Copsey091510
Session Date: 2010/09/15
Judge: Copsey, Cheri C.
Reporter: Madsen, Kim

Division: DC
Session Time: 08:25

Courtroom: CR503

Clerk(s):
Weatherby, John

State Attorneys:
Naugle, Brian
Reilly, Heather
Welsh, Whitney
Wittwer, Kai

Public Defender(s):
Lojek, Michael
O'Daniel, Erik
Smith, Larry

Prob. Officer(s):

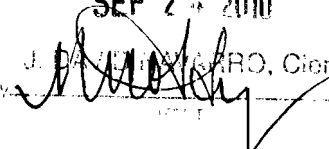
Court interpreter(s):
Barrios, Sandra

Case ID: 0028

Case Number: CRFE-10-03995
Plaintiff:
Plaintiff Attorney:
Defendant: BARTLETT, BENNETT
Co-Defendant(s):
Pers. Attorney:
State Attorney: Reilly, Heather
Public Defender: O'Daniel, Erik

2010/09/15

15:16:51 - Operator
Recording:
15:16:51 - New case
BARTLETT, BENNETT
15:17:07 - Judge: Copsey, Cheri C.
case called; dft present in custody with counsel
15:17:16 - Judge: Copsey, Cheri C.
still on for trial; will be tried by Judge McDermott
15:18:22 - Judge: Copsey, Cheri C.
will prepare jury instructions for Judge McDermott with incl
uded offense
15:19:15 - Judge: Copsey, Cheri C.
15:20:20 - Operator
Stop recording:

SEP 2 2010
J. DANIEL WILKINS, Clerk
By: 

GREG H. BOWER
Ada County Prosecuting Attorney

Gabriel M. Haws
Deputy Prosecuting Attorney
602 West Idaho Street
Boise, Idaho 83702-5954
Telephone: (208) 364-2121

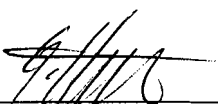
IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,)	
)	
Plaintiff,	)	Case No. CRFE2010-0003995
)	
vs.	)	MOTION TO WITHDRAW
	)	AMENDED INFORMATION
BENNETT JACOB BARTLETT,)	
)	
Defendant.)	
_____)	

COMES NOW, Gabriel M. Haws, Ada County Deputy Prosecuting Attorney, and moves this Court to withdraw the Amended Information filed on or about the 30th day of June, 2010, in the State of Idaho v. BENNETT JACOB BARTLETT, for the crimes of: I. AGGRAVATED ASSAULT, FELONY, I.C. §18-901.

RESPECTFULLY SUBMITTED this 24th day of September, 2010.

Greg H. Bower
Ada County Prosecuting Attorney



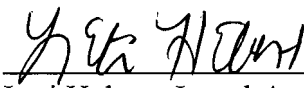
Gabriel M. Haws
Deputy Prosecuting Attorney

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 24th day of September, 2010 a true and correct copy of the foregoing Motion to Amend Information was served to **Eric O'Daniel, Ada County Public Defender, 200 West Front Street, Room 1107, Boise, Idaho 83702,** in the manner noted below:

- ☐ *By depositing copies of the same in the United States mail, postage prepaid, first class.*
- ☐ *By depositing copies of the same in the Interdepartmental Mail.*
- ☐ *By informing the office of said individual(s) that said copies were available for pickup at the Office of the Ada County Prosecutor.*
- ☐ *By faxing copies of the same to said attorney(s) at the facsimile number: _____*

✓ *Hand-delivery*



Leti Hebert, Legal Assistant

SEP 20 2010
J. DAVID N. AMERSON, Clerk
By _____

GREG H. BOWER
Ada County Prosecuting Attorney

Gabriel M. Haws
Deputy Prosecuting Attorney
200 W. Front Street, Room 3191
Boise, Idaho 83702
Telephone: (208) 287-7700

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,)	
)	
Plaintiff,	)	Case No. CR-FE-2010-3995
vs.)	
	)	STATE'S LIST OF
BENNET JACOB BARTLETT,	)	POTENTIAL TRIAL
	)	WITNESSES
Defendant,)	
)	
_____)	

COMES NOW, Gabriel M. Haws, Deputy Prosecuting Attorney, in and for the County of Ada, State of Idaho, and does hereby provide the following list of trial witnesses:

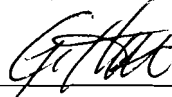
- 1) Sharyl Wilson
- 2) Officer Matt Konvalinka, Boise City Police Department
- 3) Officer Tim Green, Boise City Police Department
- 4) Officer Josh Kinkaid, Boise City Police Department
- 5) Officer Richard Hernon, Boise City Police Department
- 6) Juliett McKay, Ada County Sheriff's Office
- 7) Diane Wilson

8) Todd Wilson

DATED, this 24th day of September, 2010

GREG H. BOWER

Ada County Prosecuting Attorney



Gabriel M. Haws

Deputy Prosecuting Attorney

SEP 24 2010
By J. DAVID N. AFRO, Clerk
DEPUTY

GREG H. BOWER
Ada County Prosecuting Attorney

Gabriel M. Haws
Deputy Prosecuting Attorney
200 W. Front Street, Room 3191
Boise Idaho 83702
Telephone: (208) 287-7700

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,)	
)	
Plaintiff,	)	Case No. CRFE2010-0003995
)	
vs.	)	ORDER TO WITHDRAW
	)	AMEND INFORMATION
BENNETT JACOB BARTLETT,)	
)	
Defendant.)	
_____)	

THE ABOVE MATTER coming before the Court on the 24 day of September, 2010, upon the Motion to Withdraw Amend Information filed herein, the Defendant being before the Court represented by counsel, the Court having considered said motion, arguments of counsel and being otherwise advised in the matter;

IT IS HEREBY ORDERED AND THIS DOES ORDER that the Amended Information previously filed on June 30, 2010 is withdrawn and hereby reinstates the Information filed on March 25, 2010.

DATED this 24 day of September, 2010.

Cheryl Capron
District Judge

cc: pt / pd via fax 9/24/10 [signature]
ORDER TO WITHDRAW AMEND INFORMATION (BARTLETT), Page 1

000086

Session: Copsey092710
Session Date: 2010/09/27
Judge: McDermott, Peter
Reporter: Redlich, Kasey

Division: DC
Session Time: 07:57

Courtroom: CR504

Clerk(s):
Weatherby, John

State Attorneys:
Haws, Gabe

Public Defender(s):
O'Daniel, Erik

Prob. Officer(s):

Court interpreter(s):

Case ID: 0001

Case Number: CRFE-10-003995
Plaintiff:
Plaintiff Attorney:
Defendant: BARTLETT, BENNETT
Co-Defendant(s):
Pers. Attorney:
State Attorney: Haws, Gabe
Public Defender: O'Daniel, Erik

2010/09/27

09:26:18 - Operator
Recording:
09:26:18 - New case
BARTLETT, BENNETT
09:26:31 - Judge: McDermott, Peter
case called; dft present in custody with counsel
09:26:43 - Public Defender: O'Daniel, Erik
state to amend information for Agg Assault; 5=2+3 RJ
09:27:15 - State Attorney: Haws, Gabe
would ask for 5 year NCO
09:27:29 - State Attorney: Haws, Gabe
asks for leave to file amended information
09:28:08 - Judge: McDermott, Peter -
comments to dft; needs sub abuse treatment and anger mgt
09:29:20 - Judge: McDermott, Peter
can reduce to misdemeanor if compliant for entire probation
09:29:38 - Defendant: BARTLETT, BENNETT
09:29:43 - Judge: McDermott, Peter
would remain on record; would show guilty plea and later red
uction to misd.
09:30:03 - Judge: McDermott, Peter
09:30:21 - Public Defender: O'Daniel, Erik
did have prior felony conviction in Washington

/use into filed 6/30/10

09:30:35 - Judge: McDermott, Peter
agrees to amended information filed 6/30/10

09:30:57 - Defendant: BARTLETT, BENNETT
pleads guilty

09:31:01 - Judge: McDermott, Peter
questions defendant re factual basis

09:31:40 - Defendant: BARTLETT, BENNETT
agrees to factual basis

09:31:48 - Judge: McDermott, Peter
asks dft to confirm answers made in previous plea form

09:33:22 - Judge: McDermott, Peter
questions defendant

09:34:27 - Judge: McDermott, Peter
advises dft he won't be able to withdraw plea

09:35:05 - Judge: McDermott, Peter
accepts guilty plea; prior rule 11 agreement no longer in place

09:35:39 - Judge: McDermott, Peter
would sentence today

09:35:51 - Defendant: BARTLETT, BENNETT
asks to be sentenced today

09:36:01 - Public Defender: O'Daniel, Erik
served 203 days today

09:36:22 - State Attorney: Haws, Gabe
no objection to moving forward; asks for victim to be present for sentencing

09:36:54 - Judge: McDermott, Peter
PSI previously prepared; any errors in PSI

09:37:10 - Defendant: BARTLETT, BENNETT
don't believe so; reviewed PSI last night; all there, some things left out re

09:37:37 - Defendant: BARTLETT, BENNETT
past

09:37:46 - Judge: McDermott, Peter
parties do not object to recess prior to sentencing

09:38:38 - Judge: McDermott, Peter
comments to dft about rider

09:39:08 - Operator
Stop recording: (On Recess)

10:20:28 - Operator
Recording:

10:20:28 - Record
BARTLETT, BENNETT

10:20:30 - Judge: McDermott, Peter
case recalled; dft present in custody with counsel

10:21:37 - Judge: McDermott, Peter
questions counsel and dft re guilty plea form; dft confirms answers

10:21:55 - Judge: McDermott, Peter
advises potential persistent violator charge if future felony

10:22:53 - Judge: McDermott, Peter
reviews factual basis; intoxicated during incident

10:23:10 - Defendant: BARTLETT, BENNETT
agrees

10:23:18 - Defendant: BARTLETT, BENNETT
makes statement

10:23:56 - Defendant: BARTLETT, BENNETT

addresses victim
10:24:42 - Public Defender: O'Daniel, Erik
notes dft completed SAP and ABC while in custody; understand
s agreement was
10:25:08 - Public Defender: O'Daniel, Erik
for retained jurisdiction
10:25:15 - State Attorney: Haws, Gabe
commets; asks court to follow resolution; will ask for add'l
terms at re
10:25:41 - State Attorney: Haws, Gabe
rider review; 5=2+3; no restitution for victim
10:26:11 - Other: Wilson, Cheryl
makes statement
10:26:35 - Judge: McDermott, Peter
asks victim if she is in agreement with sentence
10:26:50 - Other: Wilson, Cheryl
yes
10:26:53 - State Attorney: Haws, Gabe
nothing further
10:27:36 - State Attorney: Haws, Gabe
if he earns probation; add'l terms would be PD reimbursement
and NCO
10:27:59 - Judge: McDermott, Peter
understand may have add'l terms if on probation
10:28:14 - Defendant: BARTLETT, BENNETT
asks for clarification
10:29:14 - Judge: McDermott, Peter
reviewed PSI; considerations 5 y (2+3)
10:30:59 - Judge: McDermott, Peter
credit for 203 days will not apply to 180d RJ; explains CTS
would be for time
10:31:23 - Judge: McDermott, Peter
if unsuccessful on rider
10:32:11 - Defendant: BARTLETT, BENNETT
if I complete program and everything goes good I could go on
probation
10:32:28 - Judge: McDermott, Peter
10:32:41 - Judge: McDermott, Peter
opportunity to take advantage of treatment on rider
10:33:09 - Judge: McDermott, Peter
further comments about rider program
10:33:48 - Judge: McDermott, Peter
explains that rule violations might affect review hearing an
d not likely to
10:34:09 - Judge: McDermott, Peter
go on probation
10:34:32 - Judge: McDermott, Peter
further comments
10:34:41 - Judge: McDermott, Peter
appeal rights
10:34:59 - Operator
Stop recording:

SEP 28 2010

J. DAVID NAVARRO Clerk
DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF

THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,

Plaintiff,

vs.

BENNETT JACOB BARTLETT,

DOB: [REDACTED]

SSN: [REDACTED]

Defendant.

Case No. CR-FE-2010-0003995

JUDGMENT OF CONVICTION AND
ORDER RETAINING JURISDICTION

WHEREAS, on this 27th day of September, 2010; this being the time fixed by the Court for pronouncing sentence upon the Defendant, the Court noted the presence of the Prosecuting Attorney, or his deputy, the Defendant, and Erik O'Daniel, counsel for the Defendant, in court.

The Defendant was duly informed of the Information filed, and the Defendant having entered a guilty plea on September 27, 2010, to the crime(s) of AGGRAVATED ASSAULT, FELONY, I.C. §§ 18-901, 905, committed on or about March 9, 2010. The Defendant waived his right to a delay prior to sentencing, however, a presentence investigation had been done.

The Defendant, and Defendant's counsel, were then asked if they had any legal cause or reason to offer why judgment and sentence should not be pronounced against the Defendant, and if the Defendant, or the Defendant's counsel, wished to make a statement on behalf of the Defendant, or to present any information to the Court in mitigation of punishment; and the Court, having

accepted such statement, and having found no legal cause or reason why judgment and sentence should not be pronounced against the Defendant at this time; does render its judgment of conviction as follows, to-wit:

That, whereas, the Defendant having pled guilty in this Court to the crime(s) of I. AGGRAVATED ASSAULT, FELONY, I.C. §§ 18-901, 18-905;

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED That the Defendant, is guilty of the crime(s) of I. AGGRAVATED ASSAULT, FELONY, I.C. §§ 18-901, 18-905 and that the Defendant be sentenced to the Idaho State Board of Correction, under the Unified Sentence Law of the State of Idaho, for an aggregate term of five (5) years, to be served as follows: a minimum period of confinement of two (2) years, followed by a subsequent indeterminate period of custody not to exceed three (3) years;

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED That the Court shall retain jurisdiction over the Defendant for a period of **180 days** as provided by Idaho Code Section 19-2601. If the Defendant does not receive probation at the end of the retained jurisdiction, the Defendant is to receive credit for two hundred and three (203) days previously served, plus any time served on this retained jurisdiction. The period of retained jurisdiction shall not commence until the Defendant is taken into custody by the State Board of Correction.

All fines, costs and fees are hereby reserved until the Defendant returns from the retained jurisdiction program.

Pursuant to I.C. § 67-3004(6), as a condition of this sentence, if the Defendant has not been previously fingerprinted in conjunction with this crime, the Defendant shall be fingerprinted by the

1 Ada County Sheriff's Department even if he/she is placed on probation within five (5) days of this
2 sentence.

3 IT IS FURTHER ORDERED that the Clerk deliver a certified copy of this judgment to the
4 said Sheriff, which shall serve as the commitment of the Defendant.

5 **NOTICE OF RIGHT TO APPEAL**

6 **YOU, BENNETT JACOB BARTLETT, ARE HEREBY NOTIFIED** that you have the
7 right to appeal this order to the Idaho Supreme Court. Any notice of appeal must be filed within
8 forty-two (42) days of the entry of the written order either placing you on probation following the
9 retained jurisdiction or relinquishing jurisdiction.
10

11 **YOU ARE FURTHER NOTIFIED** that if you are unable to pay the costs of an appeal, you
12 have the right to apply for leave to appeal in forma pauperis or to apply for the appointment of
13 counsel at public expense. If you have questions concerning your right to appeal, you should consult
14 your present lawyer.

15 Dated this 27th day of September, 2010.

16
17 *Cherie Copsey*
18 Peter McDermott, District Judge
19
20
21
22
23
24
25

CERTIFICATE OF MAILING

I, J. David Navarro, the undersigned authority, do hereby certify that I have mailed one copy of the: JUDGMENT OF CONVICTION AND ORDER RETAINING JURISDICTION as notice pursuant to Rule 77(d) I.C.R. as follows:

ADA COUNTY PROSECUTOR
VIA E-MAIL

ADA COUNTY PUBLIC DEFENDER
VIA E-MAIL


ADA COUNTY JAIL
VIA E-MAIL

DEPARTMENT OF CORRECTIONS - CENTRAL RECORDS
VIA E-MAIL

PSI DEPT / P&P
VIA E-MAIL

J. DAVID NAVARRO
Clerk of the District Court
Ada County, Idaho

Date: 9/28/10

By 
Deputy Clerk

FILED 12/30/2010 at 03:42 PM J. DAVID NAVARRO, CLERK OF THE COURT J. WEATHERDY BY: _____ Deputy Clerk

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO

Plaintiff,

vs.

BENNETT JACOB BARTLETT,
7/14/1962

Defendant.

CASE NO. CR-FE-2010-0003995

ORDER TO TRANSPORT

IT APPEARING that the above-named defendant is in the custody of the Idaho State Board of Correction, and that it is necessary that BENNETT JACOB BARTLETT be brought before this Court for:

RIDER REVIEW.....Wednesday, January 19, 2011 @ 09:00 AM

IT IS THEREFORE ORDERED That the Ada County Sheriff bring the Defendant from the Penitentiary to the Court at said time and on said date;

IT IS FURTHER ORDERED That immediately following said Court appearance the Sheriff return said Defendant to the custody of the Idaho State Penitentiary;

IT IS FURTHER ORDERED That the Idaho State Board of Correction release the said Defendant to the Ada County Sheriff for the purpose of the aforementioned appearance and retake him into custody from the Sheriff upon his return to the Penitentiary.

IT IS FURTHER ORDERED That the Clerk of this Court serve a copy hereof upon the Idaho Department of Corrections and the Ada County Sheriff forthwith and certify to the same.

Dated this 30th day of December, 2010.



CHERI C. COPSEY
District Judge

CERTIFICATE OF MAILING

I hereby certify that on 12/30/2010, I Mailed (served) a true and correct copy of the within instrument to:

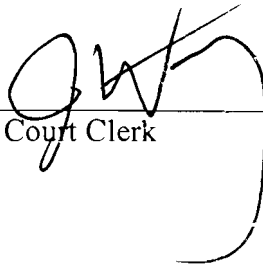
ADA COUNTY PROSECUTOR
Interdepartmental Mail

ADA COUNTY PUBLIC DEFENDER
Interdepartmental Mail

DEPARTMENT OF CORRECTION
Central Records
Faxed

ADA COUNTY JAIL
Transport
Faxed

J. DAVID NAVARRO
Clerk of the District Court

By:  _____
Deputy Court Clerk

Session: Copsey011911
Session Date: 2011/01/19
Judge: Copsey, Cheri C.
Reporter: Madsen, Kim

Division: DC
Session Time: 08:36

Courtroom: CR507

Clerk(s):
Weatherby, John

State Attorneys:
Buttram, Tessie
Harmer, Ben
Haws, Gabriel
Stellmon, Tanner

Public Defender(s):
Bailey, Ransom
Lojek, Michael
Smith, Larry

Prob. Officer(s):

Court interpreter(s):

Case ID: 0009

Case Number: CRFE-10-03995
Plaintiff:
Plaintiff Attorney:
Defendant: BARTLETT, BENNETT
Co-Defendant(s):
Pers. Attorney:
State Attorney: Haws, Gabriel
Public Defender: Bailey, Ransom

2011/01/19

10:37:50 - Operator
Recording:
10:37:50 - New case
BARTLETT, BENNETT
10:38:02 - Judge: Copsey, Cheri C.
case called; dft present in custody with counsel for rider r
eview
10:38:10 - Judge: Copsey, Cheri C.
parties read APSI
10:38:19 - Defendant: BARTLETT, BENNETT
read report; fair hearing
10:38:28 - Judge: Copsey, Cheri C.
10:38:47 - State Attorney: Haws, Gabriel
submits NCO, reimbursement for SAP #100
10:39:32 - Public Defender: Bailey, Ransom
no objection
10:39:36 - State Attorney: Haws, Gabriel
argument
10:44:09 - Public Defender: Bailey, Ransom

response

10:47:24 - Defendant: BARTLETT, BENNETT
makes statement
10:49:20 - Judge: Copsey, Cheri C.
read police report and medical report; no indication bitten
by a dog
10:50:00 - Judge: Copsey, Cheri C.
physically assaulted Ms Wilson, punched dog, then strangled
victim
10:53:19 - Judge: Copsey, Cheri C.
long criminal history; original agreement for probation, cou
rt said no way
10:53:46 - Judge: Copsey, Cheri C.
woud put on probation; CAPP rider gives no solace
10:54:08 - Judge: Copsey, Cheri C.
not comfortable placing on probation; CAPP saying they can't
address issues
10:54:36 - Judge: Copsey, Cheri C.
IDOC: 2+3; costs, fine 1000, restitution 400/250 PD
10:55:05 - Judge: Copsey, Cheri C.
appeal rights
10:55:30 - Operator
Stop recording:

CTS: 203 days as of 9/27/10
114 days 9/28/10 - 1/19/11
317 days

FILED PM 12:40

JAN 19 2011

CHRISTOPHER D. RICH, Clerk
By JOHN WEATHERBY
DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,

Plaintiff,

vs.

Bennet Jacob Bartlett

DOB

SSN

Defendant.

Case No. LR-FE-2010-3995

Reference No. _____

☐ AMENDED
NO CONTACT ORDER

DR # 2010-005-814

☒ Ada ☐ Boise ☐ GC ☐ Meridian

The above-entitled matter having come before the Court, and good cause appearing therefor,

IT IS HEREBY ORDERED that the above-named defendant shall not contact (including: in person or through another person, or in writing or e-mail, or by telephone, pager, or facsimile) or attempt to contact, harass, follow, communicate with, or knowingly remain within 100 feet of: Sheryl Wilson

Exceptions are:

- ☒ no exceptions
☐ to contact by telephone between _____ .m. and _____ .m. on _____
_____ for the following purposes:
☐ to participate in counseling/mediation
☐ to meet with or through attorneys and/or during legal proceedings
☐ to respond to emergencies involving the natural or adopted children of both parties
☐ other: _____

IT IS FURTHER ORDERED that the defendant named herein shall not go within 300 yards of the above-named person's residence or workplace as set forth below (provide this information only if requested by prosecution):

Residence Address _____

Work Address _____

A VIOLATION OF THIS ORDER IS A SEPARATE CRIME under Idaho Code § 18-920, for which no bail will be set until an appearance before a judge. A first and second conviction for the crime of violation of a no contact order is a misdemeanor and is punishable by a fine not exceeding one thousand dollars (\$1,000) or by imprisonment in the county jail not to exceed one (1) year, or both. A third conviction for violation of a no contact order within five (5) years is a felony and is punishable by a fine not exceeding five thousand dollars (\$5,000) or by imprisonment in the state prison not to exceed five (5) years, or both. Further, any such violation of this order may result in the increase, revocation, or modification of the bond set in the underlying charge for which this no contact order was imposed.

If there is more than one domestic violence protection order in place, the most restrictive provision will control any conflicting terms of any other civil or criminal protection order.

This order may subject you to Federal prosecution under 18 U.S. Code § 922 if you possess, receive, or transport a firearm.

THIS ORDER CAN BE MODIFIED ONLY BY A JUDGE AND WILL EXPIRE AT 11:59 p.m. ON Jan 19, 2016
OR UPON DISMISSAL OF THIS CASE, WHICHEVER FIRST OCCURS.

Defendant

Date

Judge

Date

Served by:

Date served:

NO CONTACT ORDER

☐ FILE

☐ ACSO

☐ PROSECUTOR

[REV 5-2010]
000098

CC: ACSO 4/19/11 ed

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,

Plaintiff,

vs.

BENNETT JACOB BARTLETT,

DOB.: [REDACTED]

SSN.: [REDACTED]

Defendant.

Case No. CR-FE-2010-0003995

ORDER RE-IMPOSING SENTENCE
AND RELINQUISHING
JURISDICTION

WHEREAS, on this 19th day of January, 2011; the above entitled matter having come before this Court pursuant to its retained jurisdiction under I.C. § 19-2601(4); the Defendant, being represented by Ransom Bailey; the Court, having again reviewed the presentence investigation, together with the addendum to presentence investigation report as received from the Board of Correction and having returned the Defendant back before this Court and entertained a second sentencing hearing and having permitted the Defendant to fully respond to the APSI and re-allocute, and now being fully advised in the premises;

WHEREAS, on September 27, 2010, the Defendant pled guilty in the District Court of the Fourth Judicial District in and for the County of Ada to the crime of AGGRAVATED ASSAULT, FELONY, I.C. §§ 18-901, 905 and, on September 27, 2010, was committed to the custody of the Idaho State Board of Correction, under the Unified Sentence Law of the State of Idaho, for an

1 aggregate term of five (5) years, to be served as follows: a minimum period of confinement of two
2 (2) years, followed by a subsequent indeterminate period of custody not to exceed three (3) years.

3 AND WHEREAS The Court retained jurisdiction for 180 days to suspend execution of
4 Judgment pursuant to Section 19-2601(4), of the Idaho Code;

5 AND WHEREAS, the District Court, having ascertained the desirability of imposing the
6 original sentence and relinquishing its retained jurisdiction;

7 IT IS HEREBY ORDERED that the sentence be re-imposed and that the Defendant, be
8 committed to the custody of the Idaho State Board of Correction, under the Unified Sentence Law
9 of the State of Idaho, for an aggregate term of five (5) years, to be served as follows: a minimum
10 period of confinement of two (2) years, followed by a subsequent indeterminate period of custody
11 not to exceed three (3) years. The Defendant is entitled to credit for a total of three hundred
12 seventeen (317) days served, which *includes* any time served on the retained jurisdiction program.

13 IT IS FURTHER ORDERED that pursuant to Idaho Code Section 31-3201A(b), the
14 Defendant shall pay court costs in the amount of \$17.50; County Administrative Surcharge Fee in
15 the amount of \$10.00 pursuant to I.C. § 31-4502; P.O.S.T. Academy fees in the amount of \$10.00
16 pursuant to I.C. § 31-3201B; ISTARS technology fee in the amount of \$10.00 pursuant to I.C. §
17 31-3201(5); \$75.00 to the Victims Compensation Fund pursuant to I.C. § 72-1025; \$3.00 for the
18 Peace Officer Temporary Disability Fund pursuant to I.C. § 72-1105; a fine in the amount of
19 \$1,000.00; \$400.00 for restitution, plus statutory interest; and \$250.00 for reimbursement of
20 public defender fees pursuant to I.C. § 19-854(c).
21

22 IT IS FURTHER ORDERED that the defendant have no direct or indirect contact with
23 Sharyl Wilson.
24

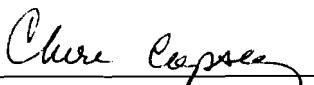
1 IT IS FURTHER ORDERED that the Clerk deliver a certified copy of this order to the said
2 Sheriff, which shall serve as the commitment of the Defendant.

3 **NOTICE OF RIGHT TO APPEAL**

4 **YOU, BENNETT JACOB BARTLETT, ARE HEREBY NOTIFIED** that you have the
5 right to appeal this order to the Idaho Supreme Court. Any notice of appeal must be filed within
6 forty-two (42) days of the entry of the written order in this matter.

7 **YOU ARE FURTHER NOTIFIED** that if you are unable to pay the costs of an appeal,
8 you have the right to apply for leave to appeal in forma pauperis or to apply for the appointment of
9 counsel at public expense. If you have questions concerning your right to appeal, you should
10 consult your present lawyer.

11 Dated this 19th day of January, 2011.

12
13 
14 Cheri C. Copsey, District Judge

1 I, CHRISTOPHER D. RICH, the undersigned authority, do hereby certify that I have
2 mailed one copy of the: ORDER REIMPOSING SENTENCE AND RELINQUISHING
3 RETAINED JURISDICTION as notice pursuant to Rule 77(d) I.C.R. as follows:

4
5 ADA COUNTY PROSECUTOR
6 VIA E-MAIL

7 ADA COUNTY PUBLIC DEFENDER
8 VIA E-MAIL

9 ADA COUNTY JAIL
10 VIA E-MAIL

11 DEPARTMENT OF CORRECTIONS - CENTRAL RECORDS
12 VIA E-MAIL

13
14 CHRISTOPHER D. RICH
15 Clerk of the District Court
16 Ada County, Idaho

17 Date: 1-20-11

18 By 
19 Deputy Clerk

NC. 9:19 FILED
A.M. 9:19 P.M.
JAN 20 2011
CHRISTOPHER D. RICH, Clerk
DEPUTY

Greg H. Bower
Ada County Prosecuting Attorney

Gabriel Haws
Deputy Prosecuting Attorney
200 West Front Street, Room 3191
Boise, Idaho 83702
Telephone: (208) 287-7700
Fax: (208)-287-7709

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,)	
)	
Plaintiff,	)	Case No. CR-FE-2010-0003995
)	
vs.	)	ORDER FOR RESTITUTION
	)	AND JUDGMENT
Bennett Jacob Bartlett,)	
)	
Defendant.)	
_____)	

WHEREAS, on the 19 day of January, 2011 a Judgment of Conviction was entered against the Defendant Bennett Jacob Bartlett; and therefore pursuant to Idaho Code §19-5304(2) and based on evidence presented to this Court;

IT IS HEREBY ORDERED, that the Defendant, Bennett Jacob Bartlett, shall make restitution to the victim(s) in the following amounts of:

CC: PA/PD

ADA COUNTY TRIAL ADMINISTRATOR

\$400.00

TOTAL:

\$400.00

~~Interest on said restitution amount shall be computed at _____% per annum.~~

FURTHER, pursuant to I.C. 19-5305 this Order may be recorded as a judgment against the Defendant, Bennett Jacob Bartlett, and the listed victim(s) may execute as provided by law for civil judgments.

IT IS SO ORDERED.

DATED this 19th day of Jan 2010.

Clare Caprey
Judge

MAR - 4 2011

CHRISTOPHER D. RICH, Clerk
By NATALIE FARACA
DEPUTY

Inmate name Bennett Bartlett
IDOC No. 97444, ICC, P2-28B
Address PO Box 20010
BOISE ID 83707

Defendant/Appellant

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

BENNETT BARTLET,)
)
Appellant,)
)
vs.)
)
STATE OF IDAHO,)
)
Respondent.)
)

Case No. CR-2010-3995

NOTICE OF APPEAL

TO: THE ABOVE RESPONDENTS, STATE OF IDAHO,
AND THE PARTY'S ATTORNEYS, ADA COUNTY PROSECUTOR,
AND THE CLERK OF THE ABOVE ENTITLED
COURT:

NOTICE IS HEREBY GIVEN THAT

1. The above named Appellant(s) Bennett Bartlett
appeal(s) against the above named respondent(s) to the Idaho Supreme Court from (the final
judgment or order, (describe it) _____

entered in the above-entitled action (proceeding) on the 19th day of January,
20 11, Honorable Judge Cheri C. Capsey presiding.

NOTICE OF APPEAL - 1
Revised: 10/14/05

2. That the party has a right to appeal to the Idaho Supreme Court, and the judgment or orders described in paragraph 1 above are appealable orders under and pursuant to Rule

Rule 11(c)(1-10) [e.g. (11(c)(1)), or (12(a))] I.A.R.

3. A preliminary statement of the issues on appeal which the appellant then intends to assert in the appeal; provided, any such list of issues on appeal shall not prevent the appellant from asserting other issues on appeal.

Did the District Court exercise an abuse of discretion in relinquishing retained jurisdiction which is contrary to the recommendation for Probation.

4.(a) Is a reporter's transcript requested? Yes.

(b) The appellant requests the preparation of the following portions of the reporter's transcript:

☐ The entire reporter's standard transcript as defined in Rule 25(c) IAR

☒ The entire reporter's transcript supplemented by the following:

☐ Voir Dire examination of jury

☐ Closing arguments of counsel

☒ The following reporter's partial transcript: Guilty Ple
Hearing Transcript

☒ Preliminary Hearing Transcript

☐ Conferences on requested instructions

☐ Instructions verbally given by court

5. The appellant requests the following documents to be included in the clerk's record in addition to those automatically included under Rule 28, (b)(2)

☐ All requested and given jury instructions

☐ The deposition of: _____

☐ Plaintiff's motion for continuance of trial

6. I certify:

(a) That a copy of this notice of appeal has been served on the reporter.

(b)(1) ☐ That the clerk of the district court or administrative agency has been paid the estimated fee for preparation of the reporter's transcript.

(2) ☒ That the appellant is exempt from paying the estimated transcript fee because

he is indigent and unable to pay the filing
fee.

NOTICE OF APPEAL - 3

Revised 10/14/05

(c)(1) ☐ That the estimated fee for preparation of the clerk or agency's record has been paid.

(2) ☒ That the appellant is exempt from paying the estimated fee for the preparation of the record because he is indigent and unable to pay said fee.

(d)(1) ☐ That the appellate filing fee has been paid.

(2) ☒ That appellate is exempt from paying the appellate filing fee because there is none.

(e) That service has been made upon all parties required to be served pursuant to Rule 20, and the attorney general of Idaho pursuant to Section 67-1401(1), Idaho Code.

DATED THIS 2nd day of March, 2011.

Bennett Bartlett
Appellant

STATE OF IDAHO)
) ss
County of Ada)

Bennett Bartlett, being sworn, deposes and says:

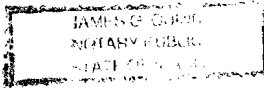
That the party is the appellant in the above-entitled appeal and that all statements in this notice of appeal are true and correct to the best of his or her knowledge and belief.

Bent Bartlett
Appellant

SUBSCRIBED AND SWORN to before me this 2nd day of March,

20 11.

(SEAL)



James G. Quinn
Notary Public for Idaho
Commission expires: 9/10/13

CERTIFICATE OF MAILING

I HEREBY CERTIFY That on the 2nd day of MARCH, 20 11, I mailed a true and correct copy of the NOTICE OF APPEAL via prison mail system for processing to the U.S. mail system to:

**OFFICE OF THE ATTORNEY GENERAL
CRIMINAL DIVISION, APPELLATE UNIT
PO Box 87320
Boise, ID 83720-0010**

Ada County Prosecuting Attorney

200 W. Front St. Rm 3191

Boise ID 83702-7300

Idaho Supreme Court clerk
P.O. Box 83720
BOISE, ID 83720-0101

Kim Madsen, Reporter
200 W. Front St
Boise, ID 83702-7300

Bent Bartlett
Appellant

MAR 16 2011

CHRISTOPHER D. RICH, Clerk
By LANI BROXSON
DEPUTY

Bennett Bartlett 974441
Full Name of Party Filing This Document

Idaho Correction Center
Mailing Address (Street or Post Office Box)

PO Box 70010 Boise ID 83707
City, State and Zip Code

Telephone Number

IN THE DISTRICT COURT OF THE 4th JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF Ada

State of Idaho
Plaintiff,

vs.

Bennett Bartlett
Defendant.

Case No.: CR 2010-3995

MOTION AND AFFIDAVIT FOR
PERMISSION TO PROCEED ON PARTIAL
PAYMENT OF COURT FEES (PRISONER)

IMPORTANT NOTICE: Idaho Code § 31-3220A requires that you serve upon counsel for the county sheriff, the department of correction or the private correctional facility, whichever may apply, a copy of this motion and affidavit and any other documents filed in connection with this request. You must file proof of such service with the court when you file this document.

STATE OF IDAHO)
County of Ada) ss.

☐ Plaintiff ☒ Defendant asks to start or defend this case on partial payment of court fees, and swears under oath

1. This is an action for (type of case) notice of appeal. I believe I'm entitled to get what I am asking for.

2. ☐ I have not previously brought this claim against the same party or a claim based on the same operative facts in any state or federal court. ☐ I have filed this claim against the same party or a claim based on the same operative facts in a state or federal court.

3. I am unable to pay all the court costs now. I have attached to this affidavit a current statement of my inmate account, certified by a custodian of inmate accounts, that reflects the activity of the account over my period of incarceration or for the last twelve (12) months, whichever is less.

4. I understand I will be required to pay an initial partial filing fee in the amount of 20% of the greater of: (a) the average monthly deposits to my inmate account or (b) the average monthly balance in my inmate account for the last six (6) months. I also understand that I must pay the remainder of the filing fee by making monthly payments of 20% of the preceding month's income in my inmate account until the fee is paid in full.

5. I verify that the statements made in this affidavit are true. I understand that a false statement in this affidavit is perjury and I could be sent to prison for an additional fourteen (14) years.

Do not leave any items blank. If any item does not apply, write "N/A". Attach additional pages if more space is needed for any response.

IDENTIFICATION AND RESIDENCE:

Name: Bennett Bartlett Other name(s) I have used: _____

Address: Idaho Correction center

How long at that address? approx 45 day Phone: N/A

Date and place of birth: ■■■■■ Spokane WA.

DEPENDENTS:

I am ☒ single ☐ married. If married, you must provide the following information:

Name of spouse: _____

My other dependents (including minor children) are: _____

INCOME:

Amount of my income: \$ 0 per ☒ week ☒ month

Other than my inmate account I have outside money from: _____

My spouse's income: \$ N/A per ☐ week ☐ month.

ASSETS: none

List all real property (land and buildings) owned or being purchased by you.

Your Address	City	State	Legal Description	Value	Equity
-----------------	------	-------	----------------------	-------	--------

List all other property owned by you and state its value.

Description (provide description for each item)	Value
Cash	0
Notes and Receivables	1,463
Vehicles: 1 Toyota Pick up, 1986 Toyota Pick up All Junk 800 ⁰⁰	75 motorhome 0
Bank/Credit Union/Savings/Checking Accounts	
Stocks/Bonds/Investments/Certificates of Deposit	0
Trust Funds	0
Retirement Accounts/IRAs/401(k)s	0
Cash Value Insurance	1,221
Motorcycles/Boats/RVs/Snowmobiles: 1 SR 500 Junk	0
Furniture/Appliances	0
Jewelry/Antiques/Collectibles	0

Description (provide description for each item)

Value

TVs/Stereos/Computers/Electronics

0

Tools/Equipment

0

Sporting Goods/Guns

0

Horses/Livestock/Tack

0

Other (describe)

0

EXPENSES: List all of your monthly expenses.

Expense

**Average
Monthly Payment**

Rent/House Payment

0

Vehicle Payment(s)

0

Credit Cards: (list each account number)

0

Loans: (name of lender and reason for loan)

0

Electricity/Natural Gas

0

Water/Sewer/Trash

0

Phone

0

Groceries

0

Clothing

0

Auto Fuel

0

Auto Maintenance

0

Cosmetics/Haircuts/Salons

0

Entertainment/Books/Magazines

0

Home Insurance

0

Expense	Average Monthly Payment
Auto Insurance	N/A
Life Insurance	N/A
Medical Insurance	N/A
Medical Expense	N/A
Other	N/A

MISCELLANEOUS:

How much can you borrow? \$ 0 From whom? N/A

When did you file your last income tax return? N/A Amount of refund: \$ N/A

PERSONAL REFERENCES: (These persons must be able to verify information provided)

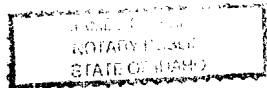
Name	Address	Phone	Years Known

Bernott Bartlett
Signature

Bernott Bartlett
Typed or Printed Name

SUBSCRIBED AND SWORN TO before me this 14TH day of March, 2011.

James L. Quinn
Notary Public for Idaho
Residing at _____
My Commission expires 9/10/13



RECEIVED

MAR 16 2011

ADA COUNTY CLERK

10-3995

= IDOC TRUST ===== OFFENDER BANK BALANCES ===== 03/11/2011 =

Doc No: 97444 Name: BARTLETT, BENNETT JACOB
Account: CHK Status: ACTIVEICC/PIE BL PRES FACIL
TIER-1 CELL-28

Transaction Dates: 03/11/2010-03/11/2011

Beginning Balance 0.00	Total Charges 306.76	Total Payments 680.94	Current Balance 374.18
------------------------------	----------------------------	-----------------------------	------------------------------

===== TRANSACTIONS =====					
Date	Batch	Description	Ref Doc	Amount	Balance
10/05/2010	HQ0516942-013	013-RCPT RDU	RDU ✓	15.34	15.34
10/25/2010	II0519589-003	071-MED CO-PAY	407376	5.00DB	10.34
10/25/2010	II0519590-016	071-MED CO-PAY	390384	5.00DB	5.34
10/28/2010	II0519957-176	099-COMM SPL		4.93DB	0.41
11/03/2010	RT0520642-018	071-MED CO-PAY	412701	8.00DB	7.59DB
11/09/2010	HQ0521591-016	011-RCPT MO/CC		200.00	192.41
11/11/2010	II0521923-245	099-COMM SPL		43.88DB	148.53
11/16/2010	RT0522301-019	071-MED CO-PAY	412507	11.00DB	137.53
11/18/2010	RT0522580-012	071-MED CO-PAY	412755	8.00DB	129.53
11/18/2010	II0522663-199	099-COMM SPL		32.83DB	96.70
11/23/2010	II0523093-085	099-COMM SPL		7.44DB	89.26
11/23/2010	II0523093-086	099-COMM SPL		10.60DB	78.66
11/29/2010	RT0523487-022	071-MED CO-PAY	412578	5.00DB	73.66
11/29/2010	II0523540-003	100-CR INM CMM		10.60	84.26
12/07/2010	RT0525064-003	071-MED CO-PAY	412544	5.00DB	79.26
12/09/2010	II0525385-170	099-COMM SPL		31.96DB	47.30
12/22/2010	II0527143-198	099-COMM SPL		19.56DB	27.74
12/30/2010	II0527988-201	099-COMM SPL		25.39DB	2.35
01/13/2011	II0529817-011	317-REFUND MEDICAL	FIX519589	5.00	7.35
02/14/2011	II0533330-009	071-MED CO-PAY	425469	5.00DB	2.35
02/15/2011	IC0533363-***	099-COMM SPL		2.07DB	0.28
02/23/2011	HQ0534245-003	011-RCPT MO/CC	732740	450.00	450.28
03/01/2011	IC0534891-897	099-COMM SPL		16.58DB	433.70
03/03/2011	IC0535271-008	078-MET MAIL	138596	3.05DB	430.65
03/04/2011	IC0535431-002	070-PHOTO COPY	138595	2.50DB	428.15
03/08/2011	IC0535797-920	099-COMM SPL		45.97DB	382.18
03/10/2011	IC0536212-024	071-MED CO-PAY	48499	8.00DB	374.18

STATE OF IDAHO

Idaho Department of Correction

I hereby certify that the foregoing is a full, true, and
correct copy of an instrument as the same now remains
on file and of record in my office.WITNESS my hand hereon affixed this 11 THday of March A.D., 2011By Quinn

000115

MAR 16 2011

CHRISTOPHER D. RICH, Clerk
By LANI BROXSON
DEPUTY

Inmate name Bennett Bartlett
IDOC No. 97444 ICC P2-28B
Address PO Box 20010
Boise ID 83707

Defendant-Appellant

IN THE DISTRICT COURT OF THE 4th Ada JUDICIAL DISTRICT

OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF Ada county

STATE OF IDAHO,

Plaintiff (Respondent),

vs. Bennett Bartlett

Defendant (Appellant).

Case No. CR 2010-3995

MOTION AND AFFIDAVIT IN
SUPPORT FOR
APPOINTMENT OF
COUNSEL

COMES NOW, Bennett Bartlett, Defendant-Appellant in the
above entitled matter and moves this Honorable Court to grant Defendant-Appellant's Motion
for Appointment of Counsel for the reasons more fully set forth herein and in the Affidavit in
Support of Motion for Appointment of Counsel.

(1.) Defendant-Appellant is currently incarcerated within the Idaho Department of
Corrections under the direct care, custody and control of Warden Wengler,
of the ICC.

(2.) The issues to be presented in this case may become too complex for the Defendant-
Appellant to properly pursue. Defendant-Appellant lacks the knowledge and skill needed to
represent him/herself.

MOTION AND AFFIDAVIT IN SUPPORT FOR APPOINTMENT OF COUNSEL - I
Revised 10/14/05

000116

3. Defendant-Appellant required assistance completing these pleadings, as he/she was unable to do it him herself.

4. Other. _____

DATED this 11th day of March, 20 11.

Bennett Bartlett
Defendant-Appellant

AFFIDAVIT IN SUPPORT FOR APPOINTMENT OF COUNSEL

STATE OF IDAHO)
) ss
County of ADA)

Bennett Bartlett, after first being duly sworn upon his/her oath, deposes and says as follows:

1. I am the Affiant in the above-entitled case;
2. I am currently residing at the ICC under the care, custody and control of Warden Wengler;
3. I am indigent and do not have any funds to hire private counsel;
4. I am without bank accounts, stocks, bonds, real estate or any other form of real property;
5. ☒ I am unable to provide any other form of security;
6. ☒ I am untrained in the law;
7. ☒ If I am forced to proceed without counsel being appointed I will be unfairly handicapped in competing with trained and competent counsel of the State;

Further your affiant sayeth naught.

WHEREFORE, Defendant-Appellant respectfully prays that this Honorable Court issue it's Order granting Defendant-Appellant's Motion for Appointment of Counsel to represent his/her interest, or in the alternative grant any such relief to which it may appear the Defendant-Appellant is entitled to.

DATED This 11th day of March, 20 11.

Bmf Bartlett
Defendant-Appellant

SUBSCRIBED AND SWORN AND AFFIRMED to before me this 11 day
of March, 20 11.

(SEAL)



James G. Quinn
Notary Public for Idaho
Commission expires: 9/10/13

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on the 11th day of March, 2011, I mailed a copy of this MOTION AND AFFIDAVIT IN SUPPORT FOR APPOINTMENT OF COUNSEL for the purposes of filing with the court and of mailing a true and correct copy via prison mail system for processing to the U.S. mail system to:

Ada County Prosecuting Attorney


Defendant-Appellant

NO. _____
A.M. 10:30 FILED P.M. _____

MAR 18 2011

CHRISTOPHER D. RICH, Clerk
By JOHN WEATHERBY
DEPUTY

Inmate name _____
IDOC No. _____
Address _____

IN THE DISTRICT COURT OF THE Fourth JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF Ada

STATE OF IDAHO,)

Plaintiff-Respondent,)

vs.)

Bennett Bartlett,)

Defendant-Appellant.)

Case No. CRFE-10-03995

**ORDER GRANTING
MOTION FOR
APPOINTMENT
OF COUNSEL**

IT IS HEARBY ORDERED that the Defendant-Appellant's Motion for Appointment of Counsel is granted and SAPD (attorney's name), a duly licensed attorney in the State of Idaho, is hereby appointed to represent said defendant in all proceedings involving this appeal.

DATED this 16th day of March, 2011.

Clare Coping
District Judge

NO. _____ FILED _____
 A.M. 8:12 P.M. _____

TO: Clerk of the Court
 Idaho Supreme Court
 451 West State Street
 Boise, Idaho 83720

MAY 19 2011

CHRISTOPHER D. RICH, Clerk
 By MARGARET LUNDQUIST
 DEPUTY


(
 (SC No. 38589-2011
 (
 (
 (STATE
 (
 (vs.
 (
 (BARTLETT

NOTICE OF TRANSCRIPT LODGED

Notice is hereby given that on May 5, 2011, I
 lodged an appeal transcript of 47 pages in length for
 the above-referenced appeal with the District Court
 Clerk of the County of Ada in the 4th Judicial
 District

This transcript contains hearings held on

.....June 30, 2010
August 4, 2010


 KIM I. MADSEN
 Ada County Courthouse
 200 West Front Street
 Boise, Idaho 83702
 (208) 287-7583

MAY 19 2011

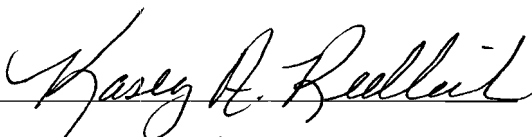
TO: CLERK OF THE COURT IDAHO SUPREME COURT **CHRISTOPHER D. RICH, Clerk**
451 WEST STATE STREET, BOISE, IDAHO 83702 **By MARGARET LUNDQUIST**
DEPUTY

STATE OF IDAHO,)	
)	
Plaintiff/Respondent,	)	Supreme Court
	)	Docket No. 38589-2011
)	
vs.)	
)	
	)	Case No. 2010-3995
BENNETT JACOB BARTLETT,	)	NOTICE OF TRANSCRIPT
	)	LODGING
Defendant/Appellant.)	
)	

NOTICE OF TRANSCRIPT LODGED

Notice is hereby given that on April 20, 2011, I
lodged transcript(s) of the following hearing(s):

Hearing, September 27, 2010, for the
above-referenced appeal with the District Court Clerk of the
County of Ada in the Fourth Judicial District.



Kasey A. Redlich,
Certified Court Reporter

4/20/11
Date

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,

Plaintiff-Respondent,

vs.

BENNETT JACOB BARTLETT,

Defendant-Appellant.

Supreme Court Case No. 38589

CERTIFICATE OF EXHIBITS

I, CHRISTOPHER D. RICH, Clerk of the District Court of the Fourth Judicial District of the State of Idaho in and for the County of Ada, do hereby certify:

There were no exhibits offered for identification or admitted into evidence during the course of this action.

I FURTHER CERTIFY, that the following documents will be submitted as CONFIDENTIAL EXHIBITS to the Record:

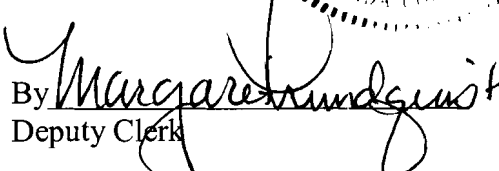
1. Pre-Sentence Investigation Report.

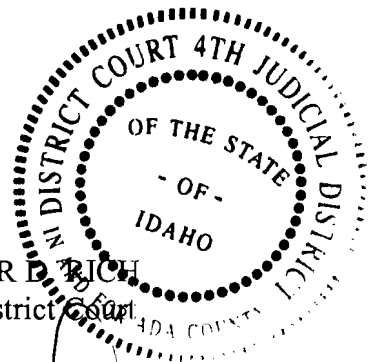
I FURTHER CERTIFY, that the following documents will be submitted as EXHIBITS to the Record:

1. Transcript of Preliminary Hearing Held March 23, 2010, Boise, Idaho, filed May 28, 2010.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the said Court this 19th day of May, 2011.

CHRISTOPHER D. RICH
Clerk of the District Court

By 
Deputy Clerk



IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,

Plaintiff-Respondent,

vs.

BENNETT JACOB BARTLETT,

Defendant-Appellant.

Supreme Court Case No. 38589

CERTIFICATE OF SERVICE

I, CHRISTOPHER D. RICH, the undersigned authority, do hereby certify that I have personally served or mailed, by either United States Mail or Interdepartmental Mail, one copy of the following:

CLERK'S RECORD AND REPORTER'S TRANSCRIPT

to each of the Attorneys of Record in this cause as follows:

STATE APPELLATE PUBLIC DEFENDER

ATTORNEY FOR APPELLANT

BOISE, IDAHO

LAWRENCE G. WASDEN

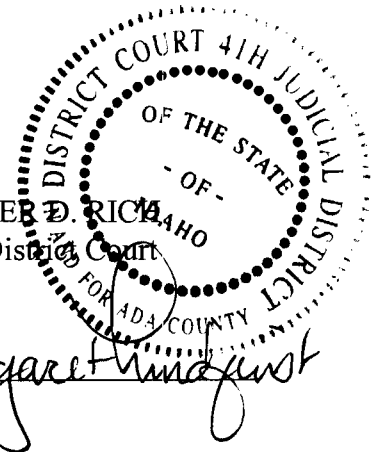
ATTORNEY FOR RESPONDENT

BOISE, IDAHO

Date of Service: MAY 19 2011

CHRISTOPHER D. RICH
Clerk of the District Court

By Margaret Hindust
Deputy Clerk



CERTIFICATE OF SERVICE

000124

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,

Plaintiff-Respondent,

vs.

BENNETT JACOB BARTLETT,

Defendant-Appellant.

Supreme Court Case No. 38589

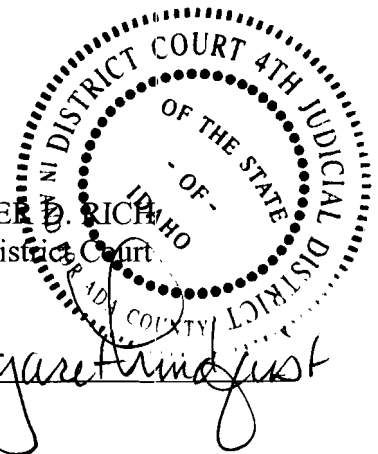
CERTIFICATE TO RECORD

I, CHRISTOPHER D. RICH, Clerk of the District Court of the Fourth Judicial District of the State of Idaho, in and for the County of Ada, do hereby certify that the above and foregoing record in the above-entitled cause was compiled under my direction as, and is a true and correct record of the pleadings and documents that are automatically required under Rule 28 of the Idaho Appellate Rules, as well as those requested by Counsels.

I FURTHER CERTIFY, that the Notice of Appeal was filed in the District Court on the 4th day of March, 2011.

CHRISTOPHER D. RICH
Clerk of the District Court

By Margaret H. Just
Deputy Clerk



CERTIFICATE TO RECORD

000125